

ILLINOIS POLLUTION CONTROL BOARD  
March 7, 1996

NORFOLK SOUTHERN CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 96-190
	)	(UST Appeal
	)	Ninety-Day Extension)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.A. Manning):

On March 6, 1996, the Illinois Environmental Protection Agency (Agency) and Norfolk Southern Corporation (Norfolk) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to a January 22, 1996 Agency determination regarding Norfolk's site classification completion report. The Agency requested the extension "to April 21, 1996, or any other date not more than a total of 90 days from the date of the Agency's final determination."

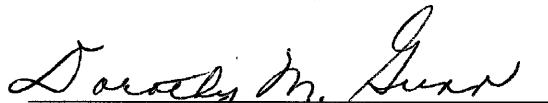
P.A. 88-690 (SB1724) effective January 24, 1995, amends Section 40(c), which governs the permit appeal process, to provide:

the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period.

As the Board maintains its files by docket number only, the Board will reserve docket PCB 96-190 for any appeal which may be filed by Norfolk. In the event that Norfolk fails to file an appeal on or before April 21, 1996 (the 90th day after January 22, 1996), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as Norfolk files such petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7<sup>th</sup> day of March, 1996, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board