

ILLINOIS POLLUTION CONTROL BOARD
February 15, 1996

CATERPILLAR, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 96-175
	)	(Permit Appeal - Land
ILLINOIS ENVIRONMENTAL	)	Ninety-Day Extension)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On February 8, 1996, the Illinois Environmental Protection Agency (Agency) and Caterpillar, Inc. (Caterpillar) 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 4, 1996 Agency determination regarding Caterpillar's permit application. The Agency requested the extension "to April 3, 1996, or any other date not more than a total of 90 days from the date of the Agency's final determination."

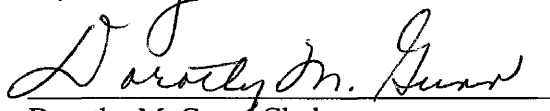
P.A. 88-690 (SB1724), effective January 24, 1995, amends Section 40(a)(1) which governs the permit appeal process to provide:

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 96-175 for any appeal which may be filed by Caterpillar. In the event that Caterpillar fails to file an appeal on or before April 3, 1996 (the 90th day after January 4, 1996), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as Caterpillar 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 15th day of February, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board