

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1995

RALEIGH REALTY CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 96-124
) (UST-Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (J. Theodore Meyer):

This matter is before the Board on a December 6, 1995 petition for appeal filed by Raleigh Realty Corporation (Raleigh). Raleigh purports to challenge an August 4, 1995 final determination letter from the Illinois Environmental Protection Agency (Agency).

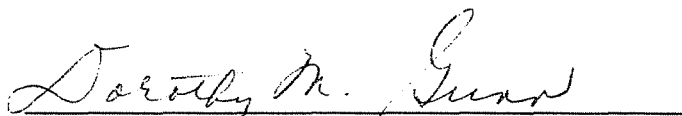
As indicated in the Agency's letter, pursuant to Sections 57.8(i) and 40 of the Illinois Environmental Protection Act (Act), an underground storage tank owner or operator has 35 days to appeal an Agency final determination. Accordingly, Raleigh's appeal was to be filed on or before September 8, 1995 unless it filed a request for a 90-day extension in which to file its appeal, as allowed by Section 40(a)(1) of the Act.

Since the Board received neither an appeal nor a request for a 90-day extension in which to file an appeal, we dismiss Raleigh's petition as untimely filed and close the docket in this matter.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rule of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of December, 1995, by a vote 7-0.


Dorothy M. Gunn
Illinois Pollution Control Board