

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1995

FLYNN READY-MIX CONCRETE)
(Site Classification Work Plan),)
)
Petitioner,)
)
v.) PCB 96-19
) (UST Appeal
) Ninety-Day Extension)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

FLYNN READY-MIX CONCRETE)
(Site Classification Completeness)
Report),)
)
Petitioner,)
)
v.) PCB 96-35
) (UST Appeal
) Ninety-Day Extension)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

By order of August 3, 1995, the Board acknowledged the parties' joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a June 23, 1995 Agency UST decision. The Board reserved Docket PCB 96-19 for any appeal, calculated as due to be filed on or before October 25, 1995.

On August 7, 1995, the Agency filed a joint motion to supplement the previous joint request. The motion states that the Agency made two decisions on June 23, 1995: rejection of Flynn's UST Site Classification Work Plan (SCWP) and rejection of its Site Classification Completion Report (SCCR). The Board granted the motion to supplement. Docket PCB 96-19 was reserved for SCWP issues while PCB 96-35 was reserved for SCCR issues.

The order stated "In the event that Flynn fails to file an

appeal in PCB 96-19 and/or PCB 96-35 on or before October 25, 1995 (the 125th day after June 23, 1995), the Board will dismiss the dockets as unnecessary"

No petition has been filed. This matter is dismissed and the dockets are closed as unnecessary.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1994)), provides for appeal of final orders of the Board within 35 days. The Rules 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 _____ day of _____, 1995, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board