

ILLINOIS POLLUTION CONTROL BOARD
November 21, 1996

IMC AGRIBUSINESS (formerly New)	
Beden/Vigoro Industries))	
)	
Petitioner,)	
)	
v.)	PCB 97-86
)	(UST - Appeal
ILLINOIS ENVIRONMENTAL)	Ninety -Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On November 12, 1996 IMC Agribusiness (petitioner) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to a October 9, 1996 Illinois Environmental Protection Agency (Agency) determination. The Agency, on November 18, 1996, filed its agreement to an extension to "January 7, 1997, 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) 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 97-86 for any appeal which may be filed by petitioner; petitioner is directed to use this docket number in any future filing concerning this appeal. In the event that petitioner fails to file an appeal on or before January 7, 1997 (the 90th day after October 9, 1996), the Board will dismiss the docket as unnecessary. A \$75 filing fee will, of course, be required at such time as petitioner 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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board