

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2000

NAPERVILLE RADIATOR SERVICES,)	
)	
Petitioner,)	
)	
v.)	PCB 01-4
)	(UST - Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	
)	

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

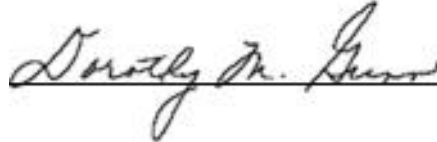
On July 7, 2000, the parties filed a joint request for an extension of the 35-day appeal period of an Illinois Environmental Protection Agency determination. By its order of July 13, 2000, the Board granted the extension "until August 26, 2000, pursuant to Section 40(a)(1) of the Environmental Protection Act [Act] (415 ILCS 5/40(a)(1) (1998))."

On August 28, 2000, Naperville Radiator Services filed its petition. The certificate of service states that the petition was hand delivered, so that the "mailbox rule" of the Board's procedural rules (35 Ill. Adm. Code 101.102(d)) does not apply here. The Board lacks jurisdiction to consider appeals filed after the time specified in Section 40(a)(1) of the Act. See Panhandle Eastern Pipe Line Company v. IEPA, ___ Ill. App. 3d ___, 2000 Ill. App. Lexis 616 at *18 (4th Dist. June 5, 2000). Since this appeal was filed two days after the end of the extension period specified in the Board's July 13, 2000 order, the Board dismisses this matter for lack of jurisdiction. The docket is closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 established such filing requirements. See 172 Ill. 2d R. 335; 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 7th day of September 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board