

ILLINOIS POLLUTION CONTROL BOARD
October 16, 2003

ABED NESHEIWAT and SAQ, INC.)	
(TONY'S GAS),)	
)	
Petitioners,)	
)	
v.)	PCB 01-121
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

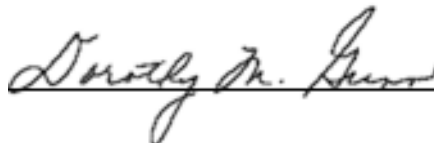
ORDER OF THE BOARD (by N.J. Melas):

A Board order in this matter dated August 7, 2003, ordered petitioners to retain a licensed attorney five months after withdrawal of their previous attorney. 35 Ill. Adm. Code 101.400(a)(2). The order indicated a qualified attorney must file an appearance in this matter on behalf of Mr. Nesheiwat by September 6, 2003, or this matter would be dismissed. To date no attorney has made an appearance on behalf of the petitioner. Accordingly, the Board on its own motion dismisses this matter and closes the docket. See 35 Ill. Adm. Code 101.800(a) and 105.108(c).

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 16, 2003, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board