

ILLINOIS POLLUTION CONTROL BOARD

November 20, 2003

WEI ENTERPRISES (March 1, 2002 to)	
February 28, 2003),)	
)	
Petitioner,)	
)	
v.)	PCB 04-83
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

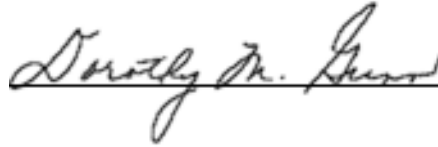
On November 17, 2003, Wei Enterprises filed a petition asking the Board to review an October 8, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402. At issue is the Agency's approval of payment of requested reimbursement from the Underground Storage Tank Fund, with modifications, for Wei Enterprises's underground storage tank facility at 529 Maple Street, Shiloh, St. Clair County. Wei Enterprises appeals on the grounds that the Agency adjustments to the requested reimbursement were unreasonable, onerous, arbitrary, and capricious.

The petition does not represent when Wei Enterprises received the Agency determination. Any petition for review of this Agency determination was due to be filed within 35 days of service of the determination. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.404. The postmark date of the petition is November 13, 2003, 36 days after the October 8, 2003 date of the Agency determination. *See* 35 Ill. Adm. Code 101.300(b)(2) (2002). Thus, the Board cannot determine that Wei Enterprises filed the petition within the time allowed for filing.

The Board hereby orders Wei Enterprises to file on or before December 4, 2003, an amended petition containing proof of the date on which it received a copy of the October 8, 2003 Agency determination. This will allow the Board to determine whether Wei Enterprises timely filed its petition. For the purposes of computation of time, the deadline for Board decision and for filing of the Agency record will be determined based on the filing of proof of receipt, as an amended petition. *See* 35 Ill. Adm. Code 105.115(b). Unless the Board receives the proof of receipt by December 4, 2003, the Board will dismiss Wei Enterprises' petition as untimely filed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 20, 2003, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board