

ILLINOIS POLLUTION CONTROL BOARD
December 4, 2003

WEI ENTERPRISES,)	
)	
Petitioner,)	
)	
v.)	PCB 04-23
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

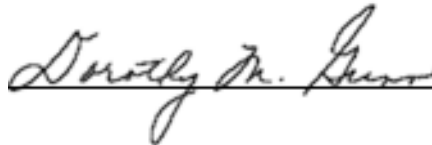
ORDER OF THE BOARD (by T.E. Johnson):

On September 4, 2003, the Board, at the parties' request, extended until November 18, 2003, the time period within which Wei Enterprises (Wei) may appeal a July 16, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. At issue is the Agency's approval of the high priority site investigation corrective action plan, with modifications, for Wei's leaking underground petroleum storage tank facility located at 529 Maple Street, Shiloh, St. Clair County.

On November 19, 2003, Wei sent a petition and the requisite number of copies via the United States mail for filing and service. The Board received the petition on November 21, 2003. The Board lacks jurisdiction to consider appeals filed after the time specified in Section 40(a)(1) of the Act. *See Naperville Radiator Services v. IEPA*, PCB 01-4 (Sept. 7, 2000); *Panhandle Eastern Pipe Line Company v. IEPA*, Ill. App. 3d, 2000 (4th Dist. June 5, 2000). The Board lacks jurisdiction in this matter because the appeal was filed after the end of the extension period specified in the Board's September 4, 2003 order. Accordingly, the Board dismisses this case and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 4, 2003, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board