

ILLINOIS POLLUTION CONTROL BOARD
February 18, 1999

NINA ENTERPRISES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 99-36
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

This petition for review, filed on August 19, 1998, requests that the Board review a June 10, 1998 Illinois Environmental Protection Agency (Agency) permit denial regarding a Nina Enterprises, Inc. facility located in Chicago, Cook County, Illinois.

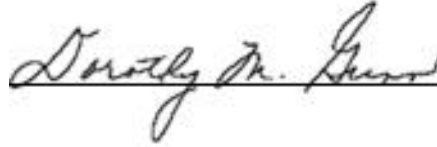
Section 40(a)(1) of the Environmental Protection Act (Act) (415 ILCS 5/40(a)(1) (1996) requires that any appeal of an Agency decision must be filed within 35 days of the Agency's decision. The Agency issued its decision on June 10, 1998, and the 35-day appeal period in this matter expired on July 15, 1998.

Petitioner did not file its appeal within the 35-day time period, and, therefore, the Board must dismiss this matter and close the docket. See Pierce & Stevens Corp. v. IEPA (July 11, 1991), PCB 91-100, slip op. at 1. The Board also vacates its order in this matter decided September 3, 1998. See Nina Enterprises v. IEPA (September 3, 1998), PCB 99-36.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 establishes 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 18th day of February 1999 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