

ILLINOIS POLLUTION CONTROL BOARD
March 17, 1994

Gunite Corporation,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 94-80
	)	(UST Fund)
Illinois Environmental	)	
Protection Agency,	)	
	)	
Respondent.	)	

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

On March 2, 1994, Gunite Corporation (Gunite) filed a Petition for Review of Agency Denial of Underground Storage Tank Site Specific Cleanup Objectives of Gunite Corporation. Gunite stated the petition was filed pursuant to 415 ILCS 5/1 et seq. and 35 Ill. Adm. Code 105.102. Section 5/1 et seq. comprises the Illinois Environmental Protection Act in its entirety and our permit appeal procedural rules are set forth in Section 105.102.

To date, the Board has never reviewed the Agency's denial of an underground storage tank site-specific clean-up objective application. As the Board is only vested with jurisdiction over matters which are statutorily authorized, petitioner is directed to file an amended petition within 30 days offering a jurisdictional basis for our review. Petitioner should include sufficient information so the Board may determine whether the matter is brought pursuant to new Title XVI of the Environmental Protection Act, or whether petitioner is relying upon pre-Title XVI law.¹ Petitioner should also provide sufficient information showing Gunite's election to proceed under Title XVI if applicable. (415 ILCS 5/57.13.) An adequate amended petition would also include documentary information evidencing the date of the Agency's final determination so the Board may ascertain whether this appeal is timely.

If the amended petition demonstrates an adequate showing as to jurisdiction, Gunite's filing of an amended petition will restart the 120-day decision timeclock. Otherwise, this case will be dismissed.

IT IS SO ORDERED.

¹P.A. 88-496 became effective on September 13, 1993. P.A. 88-496 substantially amended the Environmental Protection Act repealing Sections 22.13, 22.18, 22.18b and 22.18c, and adopting new Title XVI.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of March, 1994, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board