

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2007

ESTATE OF WILLIAM EGGERT,)	
)	
Petitioner,)	
)	
v.)	PCB 08-35
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On November 13, 2007, the Estate of William Eggert (Eggert) timely filed a petition asking the Board to review an October 10, 2007 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1)(2006); 35 Ill. Adm. Code 101.300(b)(2), 105.404. In the determination, the Agency denied Eggert’s request for reimbursement from the Underground Storage Tank (UST) Fund concerning a leaking UST site located at 3917 South California, Chicago, Cook County.

The Board accepts Eggert’s petition as timely filed, but finds that the petition has deficiencies that must be remedied before this appeal can go forward. Under Section 105.408(c) of the Board’s procedural rules, a petition must provide a “statement specifying the grounds of appeal.” 35 Ill. Adm. Code 105.408(c). Eggert’s petition lacks this information. In addition, it is unclear whether Eggert’s petition was filed by an attorney. Eggert’s petition was signed by Kara Magyar, Project Assistant with Gabriel Environmental Services. In an adjudicatory proceeding before the Board, like this UST appeal, anyone other than an individual must be represented by an attorney licensed and registered to practice law. *See* 35 Ill. Adm. Code 101.400(a)(2).

By January 7, 2008, Eggert must file an amended petition for review accompanied by the appearance of an attorney. *See* 35 Ill. Adm. Code 101.400(a)(4). Failure to do so will subject this appeal to dismissal. The amended petition must specify the grounds for appeal. Upon the timely filing of an amended petition, the Board’s statutory 120-day period for deciding this appeal will recommence. *See* 35 Ill. Adm. Code 105.114(b).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board