

ILLINOIS POLLUTION CONTROL BOARD  
December 2, 1993

DAVID GEUTHER and	)	
FEHR-GRAHAM & ASSOCIATES,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 93-232
	)	(UST Fund)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. Nardulli):

This matter is before the Board on a November 23, 1993 petition for review, filed by petitioners David Geuther and Fehr-Graham & Associates (collectively, petitioners). Petitioners seek review of an Illinois Environmental Protection Agency (Agency) decision denying \$2,954.24 of petitioners' joint request for payment from the Underground Storage Tank (UST) Fund.

The Board finds the petition deficient. Although petitioners have attached an invoice voucher, dated October 8, 1993, and an "Attachment A" to that voucher, the Board is accustomed to reviewing an Agency letter setting forth its decision, not simply a voucher. Petitioners are directed to provide any additional correspondence received from the Agency, setting forth the challenged decision.

Additionally, the Board questions whether this appeal is timely. The second page of the Agency's "Attachment A" states that an appeal may be brought within "35 calendar days from the date the Comptroller mails the accompanying check to file a petition for a hearing with the Board", and cites Section 105.102(a)(2) of the Board's procedural rules. However, that section provides that an appeal shall be filed "within 35 days of the date of mailing of the Agency's final decision." (35 Ill. Adm. Code 105.102(a)(2).) Petitioner shall address the issue of whether this appeal is timely pursuant to the Environmental Protection Act and the Board's rules. The Agency is also directed to address that issue.

Petitioner shall provide its response within 45 days of the date of this order. Failure to do so will subject this petition to dismissal. Petitioner's response will be construed as an amended petition, and the decision deadline will be calculated from the date of filing of that amended petition. The Agency's response to the issue of timeliness is also due within 45 days of the date of this order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5<sup>th</sup> day of December, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board