

ILLINOIS POLLUTION CONTROL BOARD  
September 18, 2003

RANDALL INDUSTRIES, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-219
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On August 27, 2003, Randall Industries, Inc. (Randall Industries), filed a petition for review of an Illinois Environmental Protection Agency (Agency) decision approving the site classification work plan budget, with modifications, for Randall Industries' leaking underground petroleum storage tank facility located at 741 South Route 83, Elmhurst, DuPage County.

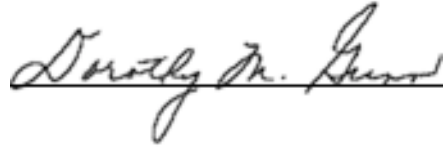
The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 105.404. However, the Board finds that the petition does not specify the date of service of the Agency's final decision or the grounds for appeal, as required by 35 Ill. Adm. Code 105.408(b) and (c). The Board directs Randall Industries to amend its petition for review to include its grounds for appeal within 30 days from the date of this order, or the Board will dismiss this matter.

In addition, the petition was filed on behalf of Randall Industries by Randall R. Truckenbrodt. The Board's procedural rules incorporate the requirement under Section 1 of the Illinois Attorney Act (705 ILCS 205/1 (2002)) and Section 1 of the Corporation Practice of Law Prohibition Act (705 ILCS 220/1 (2002)), that anyone other than an individual "must appear through an attorney-at-law licensed and registered to practice law." 35 Ill. Adm. Code 101.400(a)(2). The appeal filed by Mr. Truckenbrodt on behalf of Randall Industries does not identify him as an attorney, but as the President of Randall Industries, Inc. Mr. Truckenbrodt cannot represent Randall Industries in this capacity. *See* 35 Ill. Adm. Code 101.400(a)(2). Nothing in the petition indicates that Mr. Truckenbrodt is an attorney. The Board directs Randall Industries to retain an attorney prior to filing an amended petition for review in this matter.

In the petition, Randall Industries requests that the Board expedite this case. The Board will consider this request once an amended petition is filed. The filing of the amended petition for review will recommence the decision period in this matter. *See* 35 Ill. Adm. Code 105.114(b). The Board's rules require that the Agency file the entire record of its decision within 30 days of notice of the amended petition. *See* 35 Ill. Adm. Code 105.116.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 18, 2003, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board