

ILLINOIS POLLUTION CONTROL BOARD
December 18, 2003

MARTIN OIL MARKETING, LTD.,)	
)	
Petitioner,)	
)	
v.)	PCB 04-93
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On December 2, 2003, Martin Oil Marketing, Ltd. (Martin Oil Marketing) filed a petition asking the Board to review a November 6, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402. The Agency rejected the sixth amendment to the high priority corrective action plan budget regarding Martin Oil Marketing's underground storage tank site located at 1901 West Market Street, Bloomington, McLean County.

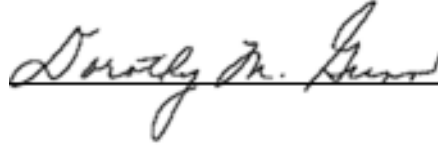
The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 105.404. However, the Board finds that the petition does not specify the grounds for appeal, as required by 35 Ill. Adm. Code 105.408(c). The Board directs Martin Oil Marketing to amend its petition for review to include its 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 Martin Oil Marketing by Donald E. Waterlander. 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 Donald E. Waterlander on behalf of Martin Oil Marketing does not identify him as an attorney, but as the General Manager of Engineering, Construction, and Maintenance of Martin Oil Marketing. Donald E. Waterlander cannot represent Martin Oil Marketing in this proceeding. *See* 35 Ill. Adm. Code 101.400(a)(2). Nothing in the petition indicates that Donald E. Waterlander is an attorney.

The Board directs Martin Oil Marketing to retain an attorney prior to filing an amended petition for review in this matter. If an amended petition accompanied by an attorney's appearance is not filed within 30 days of the date of this order, this petition will be dismissed.

IT IS SO ORDERED.

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

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board