

ILLINOIS POLLUTION CONTROL BOARD  
July 22, 2004

JOHNSON OIL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-183
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On May 6, 2004, the Board, at the parties' request, extended until July 15, 2004 the time period within which Johnson Oil Company may appeal a March 12, 2004 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On July 15, 2004, Johnson Oil Company filed a petition asking the Board to review the Agency's determination. The Agency approved petitioner's amended high priority corrective action plan and budget, with modifications, for Johnson Oil Company's leaking underground petroleum storage tank facility located at 901 N. Vermilion St., Danville, Vermilion County.

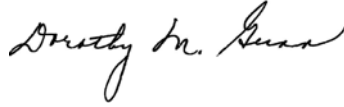
Johnson Oil Company appeals on the grounds that the budget approved by the Agency is arbitrary, capricious, and not based on corrective action activities in the approved high priority corrective action plan, and that that budget is inadequate to implement the high priority corrective action plan.

The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 105.404. However, the Board finds that the petition was filed on behalf of Johnson Oil Company by Rick Johnson, Manager. 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 Rick Johnson on behalf of Johnson Oil Company does not identify him as an attorney, but as the Manager of Johnson Oil Company. Rick Johnson cannot represent Johnson Oil Company in this proceeding. *See* 35 Ill. Adm. Code 101.400(a)(2).

On or before August 23, 2004, Johnson Oil Company must file an amended petition for review accompanied by the appearance of an attorney. If an amended petition accompanied by an attorney's appearance is not timely filed, this petition will be dismissed. The filing of an amended petition will restart the Board's decision deadline. *See* 35 Ill. Adm. Code 105.114(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 22, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board