

ILLINOIS POLLUTION CONTROL BOARD

August 5, 2004

JOHNSON OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 04-190
)	(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 28, 2004, the time period within which Johnson Oil Company might appeal a March 19, 2004 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. The Agency modified petitioner's revised high priority site investigation corrective action plan for Johnson Oil Company's leaking underground petroleum storage tank facility located at 629 S. Champaign Road, Rantoul, Champaign County.

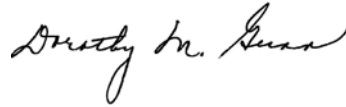
On July 30, 2004, Johnson Oil Company filed a petition asking the Board to review the Agency's determination. Johnson Oil Company appeals on the grounds, among others, that the plan modifications approved by the Agency are unreasonable, arbitrary, and capricious.

Because the postmark date of the petition is within the time for filing, the Board accepts this matter as timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. But, the petition signed by Dick Johnson on behalf of Johnson Oil Company does not identify him as an attorney, but only as "Managing Member" of "Johnson Oil Company, LLC." 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). If he is not an attorney, Dick Johnson cannot represent Johnson Oil Company in this proceeding. *See* 35 Ill. Adm. Code 101.400(a)(2).

On or before September 4, 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 August 5, 2004, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board