

ILLINOIS POLLUTION CONTROL BOARD
February 16, 2006

ENVIRONMENTAL PROTECTION)	
INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 06-135
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On February 6, 2006, Environmental Protection Industries, Inc. (EPI) filed a petition asking the Board to review a December 29, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.404. At issue, is the Agency's approval of EPI's amended high priority corrective action plan with modifications for EPI's facility located at 701 Roosevelt Road, DuPage County.

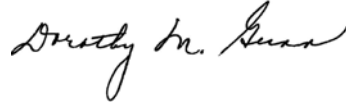
The Board finds that EPI's petition is deficient. Section 105.408 of the Board's procedural rules provide that a petition to appeal an Agency decision concerning a leaking underground storage tank must contain, *inter alia*, a statement specifying the date of service of the Agency's final decision and a statement specifying the grounds of appeal. *See* 35 Ill. Adm. Code 105.408. EPI's petition merely notifies the Agency of its intention to appeal the December 29, 2005 determination, and does not contain any specific grounds of appeal. Further, the petition does not provide the date of service of the Agency's decision.

The Board reserves ruling on the acceptance of the petition for review. EPI is hereby given 30 days to correct these deficiencies, and must file an amended petition on or before March 20, 2006. If EPI corrects the deficiencies and provides a statement specifying the date of service showing that the February 6, 2006 petition to review was timely filed pursuant to 35 Ill. Adm. Code 105.404, the Board will accept the matter. If an amended petition correcting the deficiencies 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.

Board Member N.J. Melas abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 16, 2006, by a vote of 3-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board