

ILLINOIS POLLUTION CONTROL BOARD  
June 1, 2006

VILLAGE OF RIVER FOREST, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 06-176  
 ) (Permit Appeal - Land)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by A.S. Moore):

On May 18, 2006, the Village of River Forest (Village), through its environmental consultant Environmental Solutions, Inc., timely filed a petition asking the Board to review an April 7, 2006 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.206(a). The Agency disapproved the Village's remedial objectives report and the second revision of the Village's remedial action completion report regarding the Texaco refining and marketing site. The Village appeals on the grounds that the Agency failed to issue a final determination within the applicable review period and that the Village had not agreed to a waiver of that deadline.

The Village's petition is deficient in two respects. First, the Board's procedural rules require that "[w]hen appearing before the Board, any person other than individuals must appear through an attorney-at-law licensed and registered to practice law." 35 Ill. Adm. Code 101.400(a)(2). Jack Hughes, the President of Environmental Solutions, Inc., filed the Village's petition in this matter. The record contains no indication that Mr. Hughes is an attorney, and no attorney has filed a written notice of appearance on the Village's behalf. *See* 35 Ill. Adm. Code 101.400(a)(4).

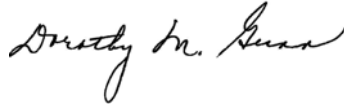
Second, the Board's procedural rules provide that "[p]roof of proper service is the responsibility of the party filing and serving the document. An affidavit of service or certificate of service must accompany all filings of all parties." 35 Ill. Adm. Code 101.304(d). The Village's petition includes neither an affidavit of service nor a certificate of service upon the Agency. Nothing in the record now indicates that the Agency has received notice of the Village's petition.

Because of these deficiencies, the Board reserves ruling on whether to accept this petition for review. The Board grants the Village 30 days to correct the deficiencies identified above and directs the Village to file an amended petition and the appearance of an attorney on or before Monday, July 3, 2006, the first business day after the 30th day from the date of this order. If the Village does not timely file an amended petition correcting these deficiencies and the appearance of an attorney, the petition will be dismissed. If the Village files an amended petition correcting

theses deficiencies and the appearance of an attorney, the Board will determine whether to accept the petition for hearing. The Board notes that 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 June 1, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board