ILLINOIS POLLUTION CONTROL BOARD March 19, 2009

PRIME LOCATION PROPERTIES, LLC.,)	
Petitioner,)	
v.)	PCB 09-67 (LUST Appeal)
ILLINOIS ENVIRONMENTAL)	(Lest ripped)
PROTECTION AGENCY,)	
Respondent.)	
Respondent.	,	

ORDER OF THE BOARD (by G.T. Girard):

On March 9, 2009, Prime Location Properties, LLC. (Prime) timely filed a petition asking the Board to review a January 27, 2009 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.404. The petition was timely filed because it was postmarked on or before the filing deadline. *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.208(a). For the reasons below, the Board accepts the petition for review, as timely but requires the petitioner to file an amended petition.

The Agency rejected Prime's corrective action plan regarding an underground storage tank site at 600 W. 10th Street, Metropolis, Massac County, and known to the Agency as LPC #1270155017. Prime appeals on the grounds that its determinations were erroneous, arbitrary, and capricious. The Board accepts Prime's petition as timely filed, but finds that the petition has deficiencies. Specifically it is unclear whether Prime's petition was filed by an attorney. Prime's petition was signed by Joe Keebler, property owner. In an adjudicatory proceeding before the Board, like this UST appeal, anyone other than an individual must be represented by an attorney licensed and registered to practice law. *See* 35 Ill. Adm. Code 101.400(a)(2).

By April 20, 2009, Prime must file an amended petition for review accompanied by the appearance of an attorney. *See* 35 Ill. Adm. Code 101.400(a)(2). Failure to do so will subject this appeal to dismissal. The amended petition must specify the grounds for appeal. Upon the timely filing of an amended petition, the Board's statutory 120-day period for deciding this appeal will recommence. *See* 35 Ill. Adm. Code 105.114(b).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 19, 2009, by a vote of 5-0.

John Therriault, Assistant Clerk

Illinois Pollution Control Board