

ILLINOIS POLLUTION CONTROL BOARD
June 4, 2009

PEACOCK OIL COMPANY,)
)
Petitioner,)
)
v.) PCB 09-114
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On May 27, 2009, Peacock Oil Company (Peacock) filed a petition asking the Board to review a determination by the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.402. The Agency's determination concerns Peacock's High Priority Corrective Action Completion Report (report) regarding an underground storage tank site located at 6900 North Mannheim Road, Rosemont, Cook County.

The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 105.404. However, the Board finds that Peacock's petition is deficient and may be untimely. Section 105.210 of the Board's procedural rules provides 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 105.210(b), (c). The petition does not state when the Agency's determination was received and, based on the date of the Agency's letter, the appeal may be untimely. In addition, Peacock's petition fails to specify the grounds for appeal. Peacock is hereby given 30 days to correct the deficiencies as set forth in this order. Peacock must file an amended petition on or before July 6, 2009. 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.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 4, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board