

ILLINOIS POLLUTION CONTROL BOARD
November 5, 2009

CONOCOPHILLIPS COMPANY,)
)
 Petitioner,)
)
 v.) PCB 10-27
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

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

On October 26, 2009, ConocoPhillips Company (petitioner) timely filed a petition asking the Board to review the Illinois Environmental Protection Agency's (Agency) October 5, 2009 determination. *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404, 105.406. The Agency's determination concerns petitioner's leaking underground storage tank (UST) site located at 12819 West 143 Street, Lockport, Will County. For the reasons below, the Board accepts petitioners' petition for review as timely, but directs the petitioner to file an amended petition by December 7, 2009.

The Agency denied reimbursement of \$2,345.69, because the request was received more than one year after issuance of the no further remediation letter. Petitioner asserts that the reimbursement request was submitted within one year of issuance of the no further remediation letter. The Board accepts the petition as timely but finds that the petition has deficiencies. Specifically, the letter seeking reconsideration is signed by the project manager. In an adjudicatory proceeding before the Board, like an underground storage tank 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). In addition, the petition does not state the date of service of the Agency's decision. *See* 35 Ill. Adm. Code 105.408.

By December 7, 2009, petitioner must file an amended petition for review addressing these deficiencies and accompanied by the appearance of an attorney. *See* 35 Ill. Adm. Code 101.400(a)(2) and 105.408. Failure to do so will subject this appeal to dismissal. 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 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 November 5, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board