

ILLINOIS POLLUTION CONTROL BOARD
December 17, 2009

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

ORDER OF THE BOARD (by G.L. Blankenship):

On October 26, 2009, Lockport/ConocoPhillips Company (petitioner) timely filed a petition seeking the Board’s review of an October 5, 2009, determination by the Illinois Environmental Protection Agency’s (Agency). *See* 415 ILCS 5/40(a)(1) (2008); 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 143rd Street, Lockport, Will County. Specifically, the Agency denied reimbursement of \$2,345.69 from the UST Fund because petitioner’s request was received more than one year after issuance of a no further remediation letter.

In an order dated November 5, 2009, the Board accepted the petition as timely but found that the petition was deficient. Specifically, the Board stated that the letter requesting Board review had been signed by the project manager. In an adjudicatory proceeding such as this one before the Board, any person 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). The Board’s order also stated that the petition did not state the date of service of the Agency’s decision. *See* 35 Ill. Adm. Code 105.408.

The Board’s order provided that “[b]y December 7, 2009, petitioner must file an amended petition for review addressing these deficiencies and accompanied by the appearance of an attorney.” *ConocoPhillips v. IEPA*, PCB 10-27, slip op. at 1 (Nov. 5, 2009). The order further provided that “[f]ailure to do so will subject this appeal to dismissal.” *Id.*

Petitioner has not filed an amended petition or any other filing remedying the deficiencies in its petition. Accordingly, the Board dismisses this appeal and closes the docket in this matter.

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 December 17, 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 T. Therriault, Assistant Clerk
Illinois Pollution Control Board