

ILLINOIS POLLUTION CONTROL BOARD
February 4, 2010

CONOCOPHILLIPS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 10-26
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On October 26, 2009, ConocoPhillips Company (petitioner) timely filed a petition asking the Board to review an October 16, 2009 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2008); 35 Ill. Adm. Code 101.300(b), 105.404. The Agency's determination concerns petitioner's leaking underground storage tank (UST) site located at 28 West Aurora Road in Warrenville, DuPage County. In the determination, the Agency deducted \$1,890 for personnel costs associated with 21 hours by the project manager as being inconsistent with the associated technical plan.

In an order dated November 5, 2009, the Board accepted the petition as timely but found that it was deficient. For example, the petition had been signed by the site manager without any indication that he is an attorney. In an adjudicatory proceeding before the Board, such as a UST appeal, 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). Further, the Board found that the petition did not state any grounds for appeal. *See* 35 Ill. Adm. Code 105.408.

The Board's November 5, 2009 order therefore 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 10-26, 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 document to remedy the deficiencies of the petition. Accordingly, the Board dismisses this appeal and closes the docket. *See* 35 Ill. Adm. Code 105.108.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 4, 2010, 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 at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board