

ILLINOIS POLLUTION CONTROL BOARD  
September 18, 2014

HAMILTON & GROVE )  
PROPERTIES, INC., )  
 )  
Petitioner, )  
 )  
v. ) PCB 15-71  
 ) (Permit Appeal - Land)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by D. Glosser):

On September 12, 2014, Hamilton & Grove (petitioner) filed a petition asking the Board to grant a 90-day extension within which the petitioner may appeal an August 15, 2014, determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404, 105.406. The Agency's determination concerns petitioner's site located at 7705 Cottage Grove Avenue, Chicago, Cook County. For the reasons below, the Board accepts petitioner's timely filed request as a petition to contest the permit denial, but directs petitioner to file an amended petition to cure deficiencies identified in this order.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), the Agency is the permitting authority, responsible for administering Illinois' regulatory programs to protect the environment. If the Agency denies a permit or grants one with conditions, the permit applicant may appeal the Agency's decision to the Board. *See* 415 ILCS 5/4, 5, 40(a)(1) (2012); 35 Ill. Adm. Code 105.Subpart D. Pursuant to Section 40(a)(1) of the Act "the 35-day period for petitioning for a hearing may be extended for an additional period of time not to exceed 90 days by written notice provided to the Board from the *applicant and the Agency* within the initial appeal period." 415 ILCS 5/40(a)(1) (2012). The request for an extension was filed only by the petitioner and thus the Board cannot grant the extension. However, the Board will accept the filing as petition for review and directs the petitioner to file an amended petition.

A petition for review must contain:

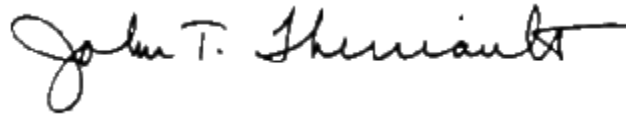
- a) The Agency's final decision or issued permit;
- b) A statement specifying the date of issuance or service of the Agency's final decision or issued permit, as applicable pursuant to Section 105.206 of this Subpart;
- c) A statement specifying the grounds of appeal. 35 Ill. Adm. Code 105.210.

In addition, the petition must be served on the Agency. *See* 35 Ill. Adm. Code 101.304.

The request filed by petitioner does not include the Agency's decision or a statement specifying the grounds for appeal. Petitioner must file an amended petition by October 20, 2014, addressing these deficiencies before the case can be accepted for hearing. If the Board does not receive an amended petition by October 20, 2014, the Board will dismiss the case and close the docket.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 18, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John T. Therriault, Clerk  
Illinois Pollution Control Board