

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 2015

CALHOUN COUNTY RURAL WATER DISTRICT,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 15-74
	)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by D. Glosser):

On October 2, 2014, at the parties' request, the Board extended until December 29, 2014, the time period for Calhoun County Rural Water District (petitioner) to appeal an August 21, 2014, determination of the Illinois Environmental Protection Agency (Agency). The Agency's determination concerns petitioner's site located in Calhoun County. On December 29, 2014, petitioner filed a petition asking the Board to review the Agency's determination. *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404, 105.406. For the reasons below, the Board accepts petitioner's 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. The Board accepts 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.
- d) Filing fee of \$75.00 payable to the Pollution Control Board.

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. In addition, there is no proof that William R. Lamb is an attorney licensed and registered to practice law in the State of Illinois. In an adjudicatory proceeding before the Board, such as this permit appeal, any party 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). Petitioner must file an amended petition accompanied by the appearance of an attorney by February 9, 2015, addressing these deficiencies before the case can be accepted for hearing. If the Board does not receive an amended petition by February 9, 2015, 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 January 8, 2015, by a vote of 4-0.



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John T. Therriault, Clerk  
Illinois Pollution Control Board