

ILLINOIS POLLUTION CONTROL BOARD  
April 12, 2018

TED'S STATE LINE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 18-72
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.M. Santos):

On March 20, 2018, the Board received a letter on behalf of Ted's State Line requesting a hearing to review a February 20, 2018 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2016); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404. The Agency's determination concerns Ted's State Line's leaking underground storage tank (UST) site located at 284 Main Street in Antioch, Lake County. For the reasons below, the Board accepts the letter as a timely petition but directs Ted's State Line to file an amended petition correcting specified deficiencies within 30 days or face dismissal of this appeal.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2016)), the Agency decides whether to approve proposed cleanup plans and budgets for leaking UST sites, as well as requests for cleanup cost reimbursement from the State's UST Fund, which consists of UST fees and motor fuel taxes. If the Agency disapproves or modifies a submittal, the UST owner or operator may appeal the decision to the Board. *See* 415 ILCS 5/40(a)(1), 57-57.17 (2016); 35 Ill. Adm. Code 105.Subpart D. In this case, the Agency modified Ted's State Line's corrective action budget.

The Board accepts the Ted's State Line's March 20, 2018 letter as a timely filed petition but finds that the petition is deficient. First, in adjudicatory proceedings before the Board, including this UST appeal, anyone other than an individual must be represented by an attorney licensed and registered to practice law. 35 Ill. Adm. Code 101.400(a)(2). Ted's State Line's letter was signed by Scott McSorley, Senior Project Manager for Carlson Environmental, Inc. Mr. McSorley did not file an appearance, and his letter does not indicate that he is an attorney.

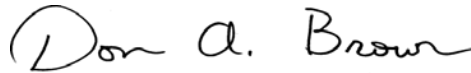
Second, a petition for review of an Agency UST determination must include "[a] statement specifying the grounds of appeal." 35 Ill. Adm. Code 104.408(c). While Mr. Sorley's letter states that it serves as a petition for a hearing, it specifies no grounds for appeal of the Agency's determination.

Third, a petition for review of an Agency UST determination must be accompanied by a \$75 filing fee. 415 ILCS 5/7.5(a) (2016); 35 Ill. Adm. Code 101.302(e)(3). Ted's State Line's letter did not include this fee, and the Board has not since received it.

By Monday, May 14, 2018, which is the first business day following the 30th day after the date of this order, Ted's State Line must file with the Board an amended petition for review remedying the deficiencies identified above. Failure to do so will subject this appeal to dismissal. *See City of Taylorville/Taylorville Municipal Airport v. IEPA*, PCB 12-57 (Nov. 3, 2011). Timely filing an amended petition will re-start the Board's statutory 120-day deadline to decide this appeal. 35 Ill. Adm. Code 105.114(b). Ted's State Line must also serve a copy of the amended petition on the Agency. *See* 35 Ill. Adm. Code 101.304.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 12, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large initial "D" and "B".

Don A. Brown, Clerk  
Illinois Pollution Control Board