

ILLINOIS POLLUTION CONTROL BOARD
August 4, 2006

J.D. STRETT & COMPANY, INC.,)
)
 Petitioner,)
)
 v.) PCB 07-6
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

On July 31, 2006, J.D. Strett & Company, Inc. (J.D. Strett & Company) filed a petition asking the Board to review a June 21, 2006 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.402. The Agency rejected the corrective action plan and budget for J.D. Strett & Company's leaking underground storage tank site located at 510 East Linn Street, Canton, Fulton County.

The postmark date of the petition is within the extended time for filing (*see* 35 Ill. Adm. Code 101.300(b)(2), 105.404); however the petition is deficient. The petition does not contain all of the information required by 35 Ill. Adm. Code 105.408(b) and (c). For example, after stating the facts concerning the timing of the application and Agency decision (Pet. at 2-3, para. 1-5), J.D. Strett & Company's petition states only that:

Petitioner prays that the Board reverse the Agency's final determination and authorize the proposed injection of solid metal peroxides containing calcium peroxide into the surface and associated costs.

Petitioner reserves the right to present additional grounds for reversal of the Agency's final determination, as they may appear during the course of this appeal. (Pet. at 3, para.6-8).

The lack of stated grounds for appeal may be due to scrivener's error, as there is no paragraph 7 in the petition.

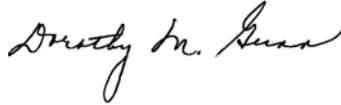
In any event, as it has done in previous cases, the Board strikes paragraph 8, purporting to reserve a right to add grounds for appeal at any time. In appeals such as this, the reasons for appeal must be contained in the original petition, just as the reasons for the Agency's determination must be contained in its letter to petitioner.

The Board reserves ruling on whether to accept this petition for review and grants J.D. Strett & Company leave to file an amended petition curing the noted deficiency on or before

September 5, 2006. Failure to file an amended petition will result in this matter being dismissed. The filing of any amended petition restarts the Board's decision deadline (*see* 35 Ill. Adm. Code 105.114(b)).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 4, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board