

ILLINOIS POLLUTION CONTROL BOARD
May 7, 2009

DICKERSON PETROLEUM, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 09-87
)	(UST - Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On April 16, 2009, Dickerson Petroleum, Inc. (Dickerson), filed a petition asking the Board to review a determination by the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.402. The Agency's determination concerns Dickerson's 45-Day Report and 45-Day Report Addendum (report) regarding an underground storage tank site located at 823 Upper Cahokia Road, Cahokia, St. Clair County.

The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 105.404. However, the Board finds that Dickerson's petition is deficient and may be untimely. Section 105.408 of the Board's procedural rules provides that a petition to appeal an Agency decision concerning a leaking underground storage tank must contain, *inter alia*, a statement specifying the date of service of the Agency's final decision and a statement specifying the grounds of appeal. *See* 35 Ill. Adm. Code 105.408(b). The petition does not state when the Agency's determination was received and based on the date of the Agency's letter, the appeal may be untimely. Dickerson is hereby given 30 days to correct the deficiencies as set forth in this order. Dickerson must file an amended petition on or before June 8, 2009. If an amended petition correcting the deficiencies is not timely filed, this petition will be dismissed. The filing of an amended petition will restart the Board's decision deadline. *See* 35 Ill. Adm. Code 105.114(b).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 7, 2009, by a vote of 5-0.



John Therriault, Assistant Clerk

Illinois Pollution Control Board