

ILLINOIS POLLUTION CONTROL BOARD
November 1, 2001

VANDALIA COMMUNITY SCHOOL)	
DISTRICT #203,)	
)	
Petitioner,)	
)	PCB 02-50
v.)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On October 19, 2001, Vandalia Community School District #203 (petitioner), filed a petition for review of an Illinois Environmental Protection Agency (Agency) decision regarding the amount of money granted by the Agency for a High Priority Corrective Action Plan and Budget (plan). The plan is associated with a leaking underground storage tank incident that occurred at petitioner's site, located at 1109 North 8th Street in Vandalia, Fayette County.

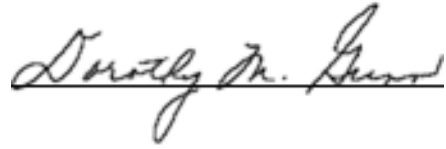
The Board accepts this matter as timely filed, pursuant to 35 Ill. Adm. Code 105.404. However, the Board finds that the petition does not specify petitioner's grounds for appeal, as required by 35 Ill. Adm. Code 105.408(c). The Board directs the petitioner to amend its petition for review to include its grounds for appeal within 30 days from the date of this order, or the Board will dismiss this matter.

The Board notes that H. Brent Hunter, who filed the appeal on behalf of the petitioner, does not appear to be an attorney. The Board's procedural rules incorporate the requirement under Section 1 of the Illinois Attorney Act (705 ILCS 205/1 (2000)) and Section 1 of the Corporation Practice of Law Prohibition Act (705 ILCS 220/1 (2000)), that anyone other than an individual "must appear through an attorney-at-law licensed and registered to practice law." 35 Ill. Adm. Code 101.400(a)(2). The appeal filed by Hunter on behalf of the petitioner does not identify him as an attorney. The appeal only identifies Hunter as the project manager of Environmental Audits and Consultants, Inc. Hunter cannot represent the petitioner in this capacity. See 35 Ill. Adm. Code 101.400(a)(2). The Board directs the petitioner to retain an attorney prior to filing an amended petition for review in this matter.

The Board's rules require that the Agency file the entire record of its decision within 30 days of notice of the amended petition. See 35 Ill. Adm. Code 105.116.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 1, 2001, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board