

ILLINOIS POLLUTION CONTROL BOARD
November 5, 2009

CONOCOPHILLIPS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 10-26
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On October 26, 2009, ConocoPhillips Company (petitioner) timely filed a petition asking the Board to review the Illinois Environmental Protection Agency's (Agency) October 16, 2009 determination. *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404, 105.406. The Agency's determination concerns petitioner's leaking underground storage tank (UST) site located at 28 West Aurora Road, Warrenville, DuPage County. For the reasons below, the Board accepts petitioners' petition for review as timely, but directs the petitioner to file an amended petition by December 7, 2009.

The Agency deducted \$1890 for personnel costs associated with 21 hours by the project manager as being inconsistent with the associated technical plan. Petitioner asserts that the time was mischaracterized and asks that the Agency reconsider the decision. The Board accepts the petition as timely but finds that the petition has deficiencies. Specifically, the letter seeking reconsideration is signed by the project manager. In an adjudicatory proceeding before the Board, like a underground storage tank appeal, anyone 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). In addition, the petition does not state the date of service of the Agency's decision nor does the petition state the grounds for appeal. *See* 35 Ill. Adm. Code 105.408.

By December 7, 2009, petitioner must file an amended petition for review addressing these deficiencies and accompanied by the appearance of an attorney. *See* 35 Ill. Adm. Code 101.400(a)(2) and 105.408. Failure to do so will subject this appeal to dismissal. Upon the timely filing of an amended petition, the Board's statutory 120-day period for deciding this appeal will recommence. *See* 35 Ill. Adm. Code 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 November 5, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board