

ILLINOIS POLLUTION CONTROL BOARD
December 16, 2010

ESTATE OF GERALD D. SLIGHTOM,)	
)	
Petitioner,)	
)	
v.)	PCB 11-25
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.L. Blankenship):

On December 6, 2010, the Estate of Gerald D. Slightom (Slightom) filed a petition asking the Board to review an October 29, 2010 determination of the Illinois Environmental Protection Agency (Agency). *See* 35 Ill. Adm. Code 105.402. The Agency's determination concerns a leaking underground storage tank (UST) site located at 109 North Third Street in Girard, Macoupin County.¹ In the determination, the Agency rejected Slightom's request for payment of \$83,912.58 from the UST Fund.

The Board accepts this matter as timely filed pursuant to 35 Ill. Adm. Code 105.404. The Board finds, however, that Slightom's petition is deficient and may be untimely. Specifically, Section 105.408 of the Board's procedural rules provides that a petition for review of an Agency leaking UST determination must contain, among other things, a statement specifying the date on which the determination was served. *See* 35 Ill. Adm. Code 105.408(b). Slightom's petition does not state when the Agency's determination was received. To confer jurisdiction upon the Board, a petition must be filed within 35 days after the date of service of the determination. *See Illinois Ayers Oil Co. v. IEPA*, PCB 05-48, slip op. at 5 (Mar. 17, 2005); *see also* 35 Ill. Adm. Code 105.404. Based on the October 29, 2010 date of the Agency's determination letter, it is possible that Slightom's petition was not filed in a timely manner.

To provide the requisite service information, Slightom must file an amended petition by January 17, 2010, which is the first business day following the 30th day after the date of this order. *See Dickerson Petroleum, Inc. v. IEPA*, PCB 09-87, slip op. at 1 (May 7, 2009). If an amended petition correcting the deficiency is not timely filed, this case will be dismissed. The filing of an amended petition will restart the Board's decision period. *See* 35 Ill. Adm. Code 105.114(b).

IT IS SO ORDERED.

¹ This address is provided at page 1 of the petition, but the Agency determination letter attached to the petition identifies the site address as "103" North Third Street. The site is designated with LPC # 1170455005.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 16, 2010, 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 flourish at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board