

ILLINOIS POLLUTION CONTROL BOARD
January 5, 2022

NORTH SHORE MOSQUITO ABATEMENT)	
DISTRICT,)	
)
Petitioner,)	
)
v.)	PCB 23-78
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On December 14, 2022, the Board received a letter sent on behalf of the North Shore Mosquito Abatement District (North Shore) asking the Board to review a November 23, 2022, determination of the Illinois Environmental Protection Agency (Agency). See 415 ILCS 5/40(a)(1) (2020); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404. The Agency’s determination concerns North Shore’s leaking underground storage tank (UST) site located at 117 Northfield Road, in Northfield, Cook County. For the reasons below, the Board accepts North Shore’s letter as a timely-filed petition but directs North Shore to file an amended petition correcting specified deficiencies within 30 days or face dismissal of this appeal.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Agency decides whether to approve proposed cleanup plans and budgets for leaking UST sites, as well as requests for cleanup cost reimbursement from the State’s UST Fund, which consists of UST fees and motor fuel taxes. If the Agency disapproves or modifies a submittal, the UST owner or operator may appeal the decision to the Board. See 415 ILCS 5/40(a)(1), 57-57.17 (2020); 35 Ill. Adm. Code 105.Subpart D. In this case, the Agency partially denied North Shore’s request for reimbursement from the UST Fund.

The Board accepts the letter from North Shore as a timely-filed petition but finds it deficient for four reasons. First, in adjudicatory proceedings before the Board, including this UST 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). North Shore’s letter was signed by Jennifer Zimmer, Internal Operations manager for North Shore. Ms. Zimmer did not file an appearance, and her letter does not indicate she is an attorney.

Second, the letter does not include the required notice of filing or documentation of service. See 35 Ill. Adm. Code 101.302(b)(3), 101.302(f), 101.304(b)-(d). North Shore’s letter to the Board does not indicate that a copy of the letter was served upon the Agency.


Third, the letter does not indicate a grounds for appeal, as specified under the petition content requirements at 35 Ill. Adm. Code 105.210.

Fourth, North Shore has not paid the filing fee as required under Section 7.5 of the Act and Sections 101.302(e) and 101.1040 of the Board's regulations. *See* 415 ILCS 5/7.5 (2020), 35 Ill. Adm. Code 101.302(e), 101.1040.

By February 6, 2023, which is the first business day 30 days after the date of this order, North Shore must file with the Board an amended petition for review remedying the deficiencies specified above and accompanied by the appearance of an attorney. *See* Ill. Adm. Code 101.400(a)(4). Failure to do so will subject this appeal to dismissal. Timely filing an amended petition will re-start the Board's statutory 120-day deadline to decide this appeal, as well as the Agency's 30-day period to file the record of its determination. 35 Ill. Adm. Code 101.308(a), 105.114(b), 105.116, 105.410. North Shore must also serve a copy of the amended petition on the Agency. *See* Ill. Adm. Code 101.304(b).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 5, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board