

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

HOME OIL COMPANY,)	
)	
Petitioner,)	
)	PCB 02-205
v.)	PCB 02-206
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	(Consolidated)
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On May 17, 2002, Home Oil Company (Home Oil) timely filed a petition asking the Board to review a May 2, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.404. The Agency denied Home Oil's request for reimbursement from the Underground Storage Tank Fund regarding an underground storage tank site at 2700 W. Main Street, Belleville, St. Clair County. The Agency denied \$43,180.80 in reimbursements that covered activities during the period from May 1, 2000 to March 31, 2001. This petition was docketed as PCB 02-205.

On May 17, 2002, Home Oil also timely filed a petition asking the Board to review an April 19, 2002 determination of the Agency. *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.404. In that determination, the Agency denied \$83,896.74 in reimbursement costs for the underground storage tank site at 2700 W. Main Street in Belleville. Home Oil incurred these costs for activities performed between October 1, 1999 and July 31, 2000. This petition was docketed as PCB 02-206.

The costs involved in dockets PCB 02-205 and PCB 02-206 do not overlap.

Although Home Oil properly timely filed the petitions, Home Oil did not state the grounds for the appeals. Thus, Home Oil's petitions do not meet the content requirements of 35 Ill. Adm. Code 105.408. The Board cannot, at this time, accept the petitions for hearing.

In order for the Board to accept the petitions for hearing, Home Oil must file an amended petition within 14 days of this order.

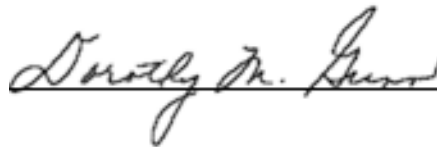
On May 17, 2002, Home Oil also filed a motion to consolidate dockets PCB 02-205 and PCB 02-206. On June 3, 2002, the Agency filed a response to the motion to consolidate. The Agency requested that the Board grant Home Oil's motion to consolidate so long as the consolidation only applies to the Agency decisions of April 19, 2002 and May 2, 2002. The

Agency stated that the time limits for appealing previous Agency determinations pertaining to Home Oil (which were attached as exhibits to the petitions) have expired.

Both docket PCB 02-205 and 02-206 address the same property and the same Corrective Action Plan. The Board therefore grants the motion to consolidate the dockets. The Board will only address the Agency determinations issued on April 19, 2002 and May 2, 2002, in this matter. All future pleadings in this matter must contain the caption above.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board