

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

MR. "C" FOOD & LIQUOR, INC.)
)
 Petitioner,)
)
 v.) PCB 94-387
) (UST Fund)
 OFFICE OF THE STATE FIRE)
 MARSHAL,)
)
 Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

This matter is before the Board on a petition for review filed by Mr. "C" Food & Liquor, Inc. (Mr. "C") on December 21, 1994. Mr. "C" is appealing a November 15, 1994 final determination of the Office of State Fire Marshal (OSFM) concerning Mr. "C"'s eligibility to access the Underground Storage Tank Fund. The petition however, is insufficient as filed and it must be substantially amended before this case can be sent to hearing. Specifically, the petition fails to meet the petition content requirements of 35 Ill. Adm. Code 107.122, "Contents of the Petition", in its entirety and more importantly, on the face of the petition, there is no evidence that the OSFM has been served with notice of the petition's filing as is required by Section 107.123.

A copy of the Board's recently-adopted procedural rules governing appeals from OSFM decisions is available from the Clerk's office. These rules should be consulted by the petitioner when preparing any amended petition.

Accordingly, an amended petition shall be filed with the Clerk of the Board on or before Thursday, February 9, 1995. If a sufficient petition is not filed at that time, this matter will be dismissed by the Board at its next regularly scheduled meeting on February 16, 1995.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 11th day of January, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board