

ILLINOIS POLLUTION CONTROL BOARD  
May 23, 1991

PAUL ROSMAN, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 91-80  
 ) (Underground Storage Tank  
 ) Fund Reimbursement Determination)  
 )  
 ILINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

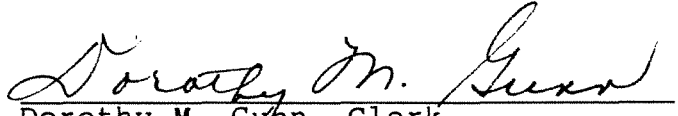
ORDER OF THE BOARD (by J.C. Marlin):

On May 13, 1991, Paul Rosman filed an appeal of an Agency reimbursement determination. While the Board has not yet enacted procedural rules specifically applicable to this type of action, Section 1022.18b(g) of the Act refers to the permit appeal procedures of Section 40 of the Act. The Board has implemented Section 40 in Part 105 of its procedural rules. Section 105.102(a)(2) specifies the contents of a petition. While all of these requirements are not logically applicable in these UST actions, Section 105.102(a)(2)(B) require that a petition include "a complete description of the facility...including its location". This petition does not give any indication as to where in the state this facility is located; this information is necessary to the Board for the purposes of hearing officer assignment and hearing scheduling. The petition also fails to state the date of the Agency's determination, which is necessary to determine the timeliness of this filing.

If an amended petition curing these deficiencies is not filed within 45 days of the date of this Order, this petition will be subject to dismissal. The filing of an amended petition will restart the Board's timeclock for purposes of its decision deadline. However, the Board will use the May 13 date for purpose of determining the timeliness of petitioner's appeal.

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 23rd day of May, 1991, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board