

ILLINOIS POLLUTION CONTROL BOARD

April 17, 2025

UNION PACIFIC RAILROAD – DUPO)	
TERMINAL,)	
)	
Petitioner,)	
)	
v.)	PCB 25-55
)	(Permit Appeal – Water, NPDES)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.A Van Wie):

On April 1, 2025, the Board received from the Union Pacific Railroad (UPRR) a letter signed by Ron Coupet, Manager of Environmental Field Operations, asking the Board to review a February 26, 2025 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2022); 35 Ill. Adm. Code 101.300(b), 105.206. The determination concerns UPRR's terminal at 3201 Plank Road in Dupo, St. Clair County. For the reasons below, the Board accepts the letter as a timely petition for review but directs UPRR to file an amended petition to cure deficiencies identified in this order.

Under the Environmental Protection Act (415 ILCS 5 (2022)), the Agency is the permitting authority, responsible for administering Illinois' regulatory programs to protect the environment. If the Agency denies a permit or grants one with conditions, the permit applicant may appeal the Agency's decision to the Board. *See* 415 ILCS 5/4, 5, 40(a)(1) (2022); 35 Ill. Adm. Code 105.Subpart D. In this case, the Agency denied UPRR's request to terminate coverage of its National Pollutant Discharge Elimination System (NPDES) permit for its Dupo Terminal. The Board accepts the letter as a petition for review but directs UPRR to file an amended petition.

The Board's procedural rules require that a petition for review must include:

- a) The Agency's final decision or issued permit;
- b) A statement specifying the date of issuance or service of the Agency's final decision or issued permit, as applicable under Section 105.206; [and]
- c) A statement specifying the grounds of appeal. 35 Ill. Adm. Code 105.210.

The procedural rules also require that a petition for review must include a \$75 filing fee. 35 Ill. Adm. Code 101.302(e)(3); *see* 415 ILCS 5/7.5(a) (2022). In addition, the petition must be served on the Agency. *See* 35 Ill. Adm. Code 101.204. Finally, UPRR's letter does not indicate

that Mr. Coupet is an attorney licensed and registered to practice law in Illinois. In an adjudicatory proceeding before the Board such as this permit appeal, any party 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).

While UPRR's letter includes a copy of the Agency's February 26, 2025 determination, it does not specifically state the date on which the Agency served the determination or the specific grounds for appeal. It also does not include the statutory filing fee or any appearance by an attorney.

UPRR must file an amended petition addressing these deficiencies and serve it on the Agency within 30 days of the date of this order on or before Monday, May 19, 2025, before the Board can accept the case for hearing. *See Calhoun Co. Rural Water Dist. v. IEPA*, PCB 15-74 (Jan. 8, 2015); *ESG Watts, Inc. v IEPA*, PCB 06-06 (July 21, 2004). If the Board does not receive an amended petition by May 19, 2025, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 17, 2025, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board