

ILLINOIS POLLUTION CONTROL BOARD  
May 5, 1994

ROBERT SCHWAKE )  
STONE COMPANY, Inc., )  
 )  
Petitioner, )  
 )  
v. ) PCB 94-137  
 ) (UST Fund)  
ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Respondent. )

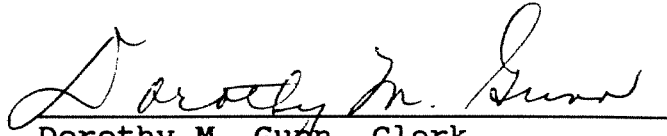
ORDER OF THE BOARD:

On April 26, 1994, Robert Schwake Stone Company, Inc. filed a petition for review of an Illinois Environmental Protection Agency ("Agency") final reimbursement determination from the Underground Storage Tank Fund. The Agency issued a final reimbursement decision on March 17, 1994 accompanied by Attachment A which contains the stated reasons for deductions. The final determination concerns Robert Schwake Stone Company's site located at 300 South Western Avenue, Des Plaines, Cook County, Illinois.

The petition is deficient for failure to provide proof of service on the Agency. The Petitioner asserts that they served the Agency, but has not provided the Board with the required proof of the service. If an amended petition curing this deficiency is not filed within 14 days of the date of this order, this matter will be subject to dismissal. The filing of an amended petition will restart the Board's decision timeclock, although the Board will look to the petitions' original filing dates in making any determination as to the timeliness of the filing of the appeal pursuant to Section 40.1.

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 5<sup>th</sup> day of May, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board