

ILLINOIS POLLUTION CONTROL BOARD
May 3, 2007

CITY OF O’FALLON,)	
)	
Petitioner,)	
)	
v.)	PCB 07-102
)	(NPDES Permit Appeal – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION Agency,)	
)	
Respondents.)	

ORDER OF THE BOARD (by G.T. Girard):

On April 10, 2007, the City of O’Fallon (O’Fallon) filed an appeal of a March 27, 2007 decision by the Illinois Environmental Protection Agency (Agency) granting a permit with conditions. *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.206(a). Specifically, O’Fallon appeals certain conditions the Agency included in the permit. The permit was issued for the City of O’Fallon STP on Reider Road, O’Fallon, St. Clair County.

The Board accepts the petition as timely filed; however, the petition contains certain deficiencies, which must be addressed before the Board accepts this matter for hearing. Pursuant to 35 Ill. Adm. Code 105.210(c) the petition must include a statement specifying the grounds for appeal. The petition states that O’Fallon is appealing certain conditions, but not the basis for that appeal. Further, the petition is signed by Dennis L. Sullivan, the Director of Public Works. Mr. Sullivan appears to be an engineer but not an attorney. Pursuant to 35 Ill. Adm. Code 101.400(a)(2), any person other than an individual appearing before the Board must appear through an attorney-at-law; therefore, an attorney must appear for O’Fallon.

By June 3, 2007, O’Fallon must file an amended petition for review and an appearance by an attorney-at-law. Failure to do so will subject this appeal to dismissal. The petition must clarify on what basis O’Fallon appeals the inclusion of certain conditions. Further, the amended petition must be filed either by (1) an attorney licensed and registered to practice in Illinois, or (2) an attorney licensed to practice in another state and accompanied by a *pro hac vice* motion. Upon the timely filing of an amended petition, the Board's statutory 120-day period for deciding this appeal will recommence. *See* 35 Ill. Adm. Code 105.114(b).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 3, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board