

ILLINOIS POLLUTION CONTROL BOARD  
November 3, 2011

CITY OF TAYLORVILLE/TAYLORVILLE )  
MUNICIPAL AIRPORT, )  
 )  
Petitioner, )  
 )  
v. ) PCB 12-57  
 ) (UST Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by T. A. Holbrook):

On October 21, 2011, the City of Taylorville (Taylorville or Petitioner) timely filed a petition asking the Board to review a September 14, 2011 determination of the Illinois Environmental Protection Agency (Agency). The petition was timely filed because it was postmarked on or before the filing deadline. *See* 415 ILCS 5/40(a)(1) (2010); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404. The Agency's determination concerns Taylorville's leaking underground storage tank (UST) site located at the Taylorville Municipal Airport in Christian County. For the reasons below, the Board accepts Taylorville's petition for hearing.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2010)), the Agency decides whether to approve proposed cleanup plans and budgets for leaking UST sites, as well as requests for reimbursement of cleanup costs from the State's UST Fund, which consists of UST fees and motor fuel taxes. If the Agency disapproves or modifies a submittal, the UST owner or operator may appeal the decision to the Board. *See* 415 ILCS 5/40(a)(1), 57-57.17 (2010); 35 Ill. Adm. Code 105.Subpart D. In this case, the Agency denied part of Taylorville's request for reimbursement from the UST Fund. Taylorville appeals on the grounds that the nature of the incident and conditions at the site required extraordinary measures to remedy. Taylorville's petition meets the content requirements of 35 Ill. Adm. Code 105.408.

The Board accepts Taylorville's petition as timely filed but finds that the petition has deficiencies. Specifically it is unclear whether Taylorville's petition was filed by an attorney. Taylorville's petition was signed by Greg Brotherton, Mayor. In an adjudicatory proceeding before the Board, like this UST appeal, anyone 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).

By December 2, 2011, Taylorville must file an amended petition for review accompanied by the appearance of an attorney. *See* 35 Ill. Adm. Code 101.400(a)(2). Failure to do so will subject this appeal to dismissal. The amended petition must specify the grounds for appeal. 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 November 3, 2011, by a vote of 5-0.

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.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board