

ILLINOIS POLLUTION CONTROL BOARD
December 7, 2000

G.J. LEASING CO., INC.,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 01-57
ILLINOIS ENVIRONMENTAL)	(UST - FRD)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE

BOARD (by C.A. Manning):

On September 25, 2000, the parties filed a joint notice of extension of the 35-day period to appeal a decision of the Illinois Environmental Protection Agency (Agency). On October 5, 2000, the Board granted petitioner an extension of the time period for filing an appeal in the matter until November 21, 2000. On November 21, 2000, G.J. Leasing Co., Inc. (Leasing) filed a petition for review.

This petition was filed on Leasing's behalf by a consulting firm, Johnson Consulting. Although the Board's current procedural rules would allow the petitioner to be represented by a non-attorney (see 35 Ill. Adm. Code 101.107(a)(2)), the Board recently held that these rules violated the provisions of the Attorney Act (705 ILCS 205/1 (1998)) and the Corporation Practice of Law Prohibition Act (705 ILCS 220/1 (1998)). In re Petition of Recycle Technologies, Inc. for an Adjusted Standard for 35 Ill. Adm. Code 720.131(c) (July 10, 1997), AS 97-9. Specifically, the Board found that a non-attorney could not represent a corporation in an adjusted standard proceeding without violating both the Attorney Act and the Corporation Practice of Law Prohibition Act. The Board has also held that a non-attorney could not represent a not-for-profit corporation in a landfill siting appeal pursuant to Section 40.1(b) of the Act (415 ILCS 5/40.1(b) (1998)). Sierra Club v. Jim Bensman (October 2, 1997), PCB 98-43. The Board believes that the rationale employed to find that a non-attorney was prohibited from representing a corporation in an adjusted standard proceeding or in a landfill siting appeal applies equally to the situation presented in this matter. Accordingly, Leasing must be represented by an attorney.

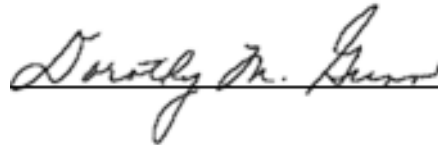
The Board grants petitioner 30 days in which to retain an attorney and for that attorney to file an amended petition in this case on Leasing's behalf. If Leasing does not file an amended petition for review on or before January 6, 2001, including proof of service of the amended petition on the Agency, this matter will be dismissed, and the docket closed.

The 120-day statutory period in which the Board must render a final decision will begin running as of the date of the filing of the amended petition. Hearings shall be scheduled and completed in a timely manner pursuant to the applicable statutory decision deadline or as

extended by waiver (see 415 ILCS 5/40(a)(2) (1998), 35 Ill. Adm. Code 101.105). Unless otherwise ordered by the hearing officer, the Agency shall file the record of its review in this matter within 14 days of notice of the petition. See 35 Ill. Adm. Code 105.102.

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 7th day of December 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board