

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1999

MULLERMIST IRRIGATION)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 99-180
)	(UST - Eligibility)
OFFICE OF THE STATE FIRE)	
MARSHAL,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

This petition for review, filed on June 3, 1999, requests that the Board review a May 10, 1999 Office of the State Fire Marshal (OSFM) final determination regarding petitioner's eligibility and deductible for its underground storage tanks located at 2612 South 9th Street Street, Broadview, Cook County, Illinois. The Board accepts this matter for hearing.

The hearing must be scheduled and completed in a timely manner. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer. The OSFM has filed its record of review in this matter on June 10, 1999.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of the hearing so that a 21-day public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

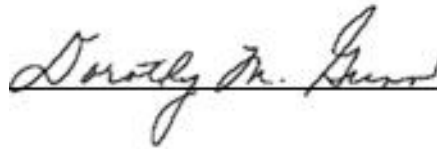
This petition was filed on petitioner's behalf by Andrew L. Wright. Mr. Wright is identified in the petition as President of Mullermist Irrigation Company. As the Board has found in several recent cases Illinois law prohibits non-attorneys from representing other individuals or corporations before the Board. 35 Ill. Adm. Code 101.107. See, *e.g* In the Matter of: Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm.

Code 720.131(c) (July 10, 1997), AS 97-9. 705 ILCS 205/1 (1996). Therefore, petitioner will need to proceed through an amended petition filed by a properly licensed attorney who has entered an appearance in this case. The Board grants petitioner 30 days in which to retain an attorney and for that attorney to file an amended petition and appearance. If an attorney's appearance is not filed on or before July 20, 1999, this action may be subject to dismissal.

IT IS SO ORDERED.

Board Member G.T. Girard dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of June 1999 by a vote of 6-1.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board