

ILLINOIS POLLUTION CONTROL BOARD
July 7, 2016

DISTRESSED PROPERTIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 15-108
)	PCB 16-32
)	PCB 16-46
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

ORDER OF THE BOARD (by J.A. Burke):

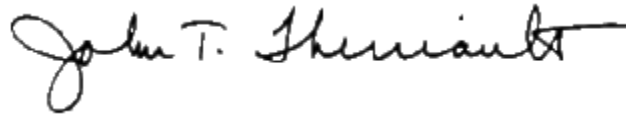
Distressed Properties, Inc. (DPI) seeks review of three Illinois Environmental Protection Agency determinations relating to cleanup of an underground storage tank site at 15401 South Park Avenue, South Holland, Cook County. An attorney for DPI initially filed these three appeals and represented DPI at status hearings with the Board's hearing officer. On May 24, 2016, the attorney withdrew from representing DPI in these three appeals. The Board's hearing officer held additional status conferences on June 1, 16, and 30. James Anderson, not an attorney, participated in the status conferences on behalf of DPI. At each of these conferences and in hearing officer orders, the hearing officer informed Mr. Anderson that DPI is required to obtain attorney representation to proceed on these appeals. The Agency filed a motion to dismiss these appeals arguing that DPI is a corporation and cannot continue its appeals without attorney representation.

The Board requires incorporated entities to be represented by an attorney. 35 Ill. Adm. Code 101.400(a)(2). Accordingly, DPI must be represented by an attorney to continue these appeals. No attorney has filed an appearance to replace the prior attorney.

Further, the Board is required by statute to decide these appeals by October 7, 2016 and must proceed expeditiously to arrange for a hearing prior to that date including providing 21 days notice of the hearing. *See* 415 ILCS 5/40(a)(2); 35 Ill. Adm. Code 101.308, 101.602(a). Under these circumstances, the Board orders DPI to obtain attorney representation by July 28, 2016. An attorney must file an appearance on behalf of DPI with the Board by July 28, 2016. If the Board does not receive an attorney appearance by July 28, 2016, the Board will promptly dismiss these three consolidated appeals.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 7, 2016, 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.

John T. Therriault, Clerk
Illinois Pollution Control Board