

ILLINOIS POLLUTION CONTROL BOARD  
October 18, 2001

|                        |   |              |
|------------------------|---|--------------|
| AMOCO OIL COMPANY,     | ) |              |
|                        | ) |              |
| Petitioner,            | ) |              |
|                        | ) |              |
| v.                     | ) | PCB 02-44    |
|                        | ) | (UST Appeal) |
| ILLINOIS ENVIRONMENTAL | ) |              |
| PROTECTION AGENCY,     | ) |              |
|                        | ) |              |
| Respondent.            | ) |              |

ORDER OF THE BOARD (by R.C. Flemal):

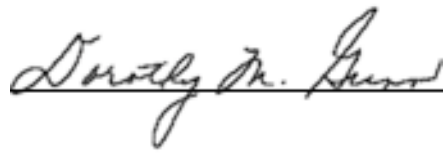
On October 2, 2001, Amoco Oil Company timely filed a petition asking the Board to review an August 27, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.404. The Agency denied a no further remediation letter request/high priority corrective action completion report regarding an underground storage tank site at 1010 South Waukegan Road, Lake County. Amoco Oil Company appeals on the grounds that the most conservative hydraulic conductivity value should not be incorporated in the groundwater modeling equation where more than one hydraulic conductivity value has been obtained. Amoco Oil Company's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Amoco Oil Company has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2000)), which only Amoco Oil Company may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Amoco Oil Company may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000). On October 2, 2001, Amoco Oil Company filed an open waiver of the statutory decision deadline.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after Amoco Oil Company filed the petition. 35 Ill. Adm. Code 105.410(a). If the Agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.410(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 18, 2001, 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