

ILLINOIS POLLUTION CONTROL BOARD
January 24, 2002

ECONOMY MECHANICAL INDUSTRIES,)
INC.,)
)
Petitioner,)
)
v.) PCB 02-48
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On October 18, 2001, the Board, at the parties' request, extended until January 13, 2002, the time period within which Economy Mechanical Industries, Inc. (Economy) may appeal a September 10, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.406. On January 11, 2002, Economy filed a petition asking the Board to review the Agency's determination.

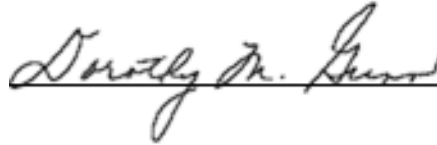
The Agency denied, in part, Economy's request for reimbursement of corrective action costs regarding Economy's facility in Cook County. Economy appeals on various grounds, including that the Agency failed to adequately explain the denial and failed to notify Economy of deficiencies in its request for reimbursement. Economy's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Economy 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 Economy may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Economy may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is May 11, 2002 (the 120th day after January 11, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 2, 2002.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after Economy 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 January 24, 2002, 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