

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1992

TIM'S STANDARD/FREEPORT,)
)
) Petitioner,)
)
) v.) PCB 92-17
) (Underground Storage Tank Fund
) Reimbursement Determination)
)
) ILLINOIS' ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

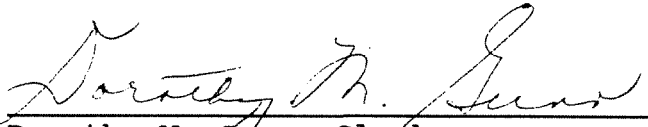
This matter comes before the Board on a January 28, 1992 petition for review of a December 23, 1991 Agency underground storage tank fund reimbursement determination. The petition makes clear that petitioner challenges an Illinois Environmental Protection Agency (Agency) determination denying reimbursement of \$18,652.17 in costs and does not challenge the determination of the deductible amount. The petition does not, however, provide the Board with a copy of the Agency's denial letter.

If an amended petition curing the noted deficiency is not filed within 35 days of the date of this Order, this petition will be subject to dismissal. The filing of an amended petition will restart the Board's 120-day decision deadline pursuant to Section 40(a) of the Act.

We note that a review of the correspondence filed to date in this matter indicates there may be some confusion as to the nature of a proceeding of this type before the Board. In proceedings before the Board, the burden is upon the petitioner to establish at a formal hearing, by oral testimony under oath or by properly submitted written documents, that the disputed costs should be paid under the terms of the Environmental Protection Act, and applicable regulations. Petitioner must present facts and arguments as to why those costs should be paid in order to prevail. The initial burden at hearing to explain why the costs were not paid is not upon the Agency.

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 6th day of February, 1992 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board