

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2001

CASSENS & SONS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 01-102
)	(UST - FRD)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On January 2, 2001, the parties filed a joint request for an extension of the 35-day appeal period of an Illinois Environmental Protection Agency (Agency) determination regarding petitioner's application for reimbursement for a portion of the underground storage tank remediation expenses. The petitioner allegedly incurred such expenses at its facility located at 121-126 Hillsboro Street, Edwardsville/Madison County Transit, Madison County, Illinois. By its order of January 18, 2001, the Board granted the extension until February 28, 2001, pursuant to section 40(a)(1) of the Environmental Protection Act (Act) (415 ILCS 5/40(a)(1) (1998)).

On February 28, 2001, the Clerk received the petitioner's filing to appeal the Agency's denial of a portion of its costs. The certificate of service states that the petition was mailed to the Agency on February 27, 2001. The Board accepts this matter for hearing.

The Board's rules require that the Agency file its entire record of the corrective action plan within 30 days of notice of the petition. See 35 Ill. Adm. Code 105.116. Hearings must be scheduled and completed in a timely manner, pursuant to the applicable statutory decision deadline, or the deadline as extended by waiver. See 35 Ill. Adm. Code. 101.308, 105.114.

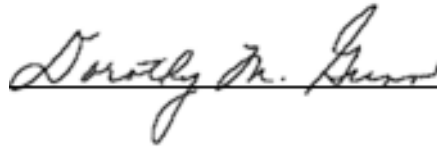
Absent any future waivers of the decision deadline, the statutory decision deadline is now June 28, 2001 (120 days from February 28, 2001); the Board meeting immediately preceding the decision deadline is scheduled for June 21, 2001.

The Board notes that the petitioner requested in its February 28, 2001 motion that the Board incorporate by reference numerous documents into the record that it has filed with the Agency, including: "the 45-Day Report dated July 21, 1999, the Billing Package dated May 22, 2000, and other information documentation [sic] provided to the Agency in behalf of

the Petitioner by Safety's Partner." Mot. at 2.¹ The Board notes that the Agency must file the record in this matter, pursuant to Section 105.116 of the Board's procedural rules (35 Ill. Adm. Code 105.116). The record would include documents submitted to it by the petitioner. Since the Agency's filing of the record eliminates the need to incorporate by reference the documents in petitioner's motion, the Board denies the petitioner's request.

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 15th day of March 2001 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹ On February 28, 2001, petitioner filed a petition to appeal an Agency decision to partly deny corrective action and indemnification funds for the removal of underground storage tanks, which is referred to as "Mot. at ____."