

ILLINOIS POLLUTION CONTROL BOARD
November 21, 2002

PIASA MOTOR FUELS,)	
)	
Petitioner,)	
)	
v.)	PCB 03-9
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On August 8, 2002, the Board, at the parties' request, extended until November 7, 2002, the time period within which Piasa Motor Fuels (Piasa) may appeal a June 26, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40 (a)(1) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 105.406. On November 12, 2002, Piasa filed a petition asking the Board to review the Agency's determination.

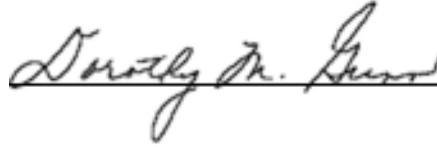
The Agency modified the site classification work plan and proposed budget for the plan regarding a leaking underground storage tank site at I-55 and IL-140 in Hamel, Madison County. Piasa appeals on several grounds, including that its site classification work plan satisfied the requirements of the Act, and that its costs were reasonable. Piasa's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Piasa 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), *amended by* P.A. 92-0574, eff. June 26, 2002), which only Piasa may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Piasa may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002. Currently, the decision deadline is March 10, 2003 (the 120th day after November 12, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for March 6, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by December 12, 2002, which is 30 days after Piasa 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 November 21, 2002, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board