

ILLINOIS POLLUTION CONTROL BOARD
February 20, 2003

MARYVILLE VOICE NEWSPAPER)
COMPANY,)
)
Petitioner,)
) PCB 03-67
v.) (UST Appeal)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by T.E. Johnson):

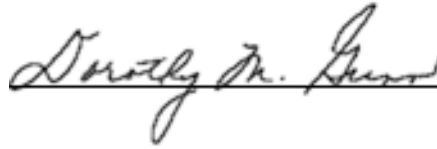
On November 21, 2002, the Board, at the parties' request, extended until February 10, 2003, the time period within which Maryville Voice Newspaper Company (Maryville Voice) may appeal an October 8, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On February 10, 2003, Maryville Voice placed in the U.S. mail a petition asking the Board to review the Agency's determination. The Board received the petition on February 13, 2003. Because the postmark date of the petition is on the filing deadline date, the petition was timely filed. *See* 35 Ill. Adm. Code 101.300(b)(2). The Agency modified the proposed budget for the site classification work plan regarding a leaking underground storage tank site 2509 North Center Street in Maryville, Madison County. Maryville Voice appeals on the grounds that the Agency's decision was arbitrary and capricious. Maryville Voice's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Maryville Voice 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) (2002)), which only Maryville Voice may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Maryville Voice may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is June 13, 2003 (the 120th day after February 13, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for June 5, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by March 15, 2003, which is 30 days after Maryville Voice 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 February 20, 2003, 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 horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board