

ILLINOIS POLLUTION CONTROL BOARD  
March 6, 2003

CHRISMAN FARM CENTER, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 03-77  
 ) (UST Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

On December 19, 2002, the Board, at the parties' request, extended until February 26, 2003, the time period within which Chrisman Farm Center (Chrisman) may appeal an October 24, 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 25, 2003, Chrisman placed in the U.S. mail a petition asking the Board to review the Agency's determination. The Board received the petition on February 27, 2003. Because the petition was postmarked before February 26, 2003, the petition was timely filed. *See* 35 Ill. Adm. Code 101.300(b)(2).

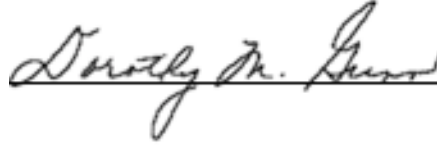
The Agency denied part of Chrisman's request for reimbursement from the Underground Storage Tank Fund regarding a leaking underground storage tank site at Route 1 and U.S. Highway 36 in Chrisman, Edgar County. Chrisman appeals on the grounds that the Agency's decision was arbitrary and capricious. Chrisman's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Chrisman 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 Chrisman may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Chrisman may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is June 27, 2003 (the 120th day after February 27, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for June 19, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by March 31, 2003, which is the first business day following 30 days after Chrisman 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 March 6, 2003, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board