

ILLINOIS POLLUTION CONTROL BOARD
June 19, 2003

WARREN'S SERVICE,)	
)	
Petitioner,)	
)	
v.)	PCB 03-204
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

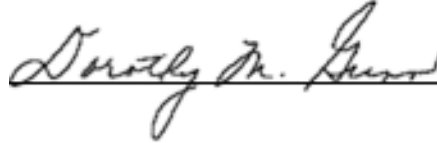
On May 1, 2003, the Board, at the parties' request, extended until July 15, 2003, the time period within which Warren's Service may appeal a March 11, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On June 16, 2003, Warren's Service (Warren's) filed a petition asking the Board to review the Agency's determination. At issue is the Agency's approval of reimbursement of corrective action costs, with deductions, regarding Warren's underground storage tank site located at Third and Fifth, Sherrard, Mercer County. Warren's appeals on the grounds that the amounts requested for reimbursement were reasonable, justifiable, necessary, consistent with generally accepted engineering practices, and eligible for reimbursement. Warren's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Warren's has the burden of proof. *See* 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 Warren's may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Warren's may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is October 14, 2003 (the 120th day after June 16, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for October 7, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by July 16, 2003, which is 30 days after Warren's Service 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 June 19, 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