

ILLINOIS POLLUTION CONTROL BOARD  
July 24, 2003

LINCOLN LAND FS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-5
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M.E. Tristano):

On July 9, 2003, Lincoln Land FS, Inc. (petitioner) timely filed a petition asking the Board to review a May 29, 2003, determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.404.

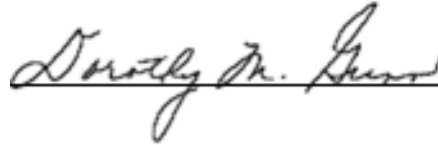
The Agency denied petitioner's request for reimbursement from the Underground Storage Tank Fund regarding an underground storage tank site at 6th and Jefferson, Petersburg, Menard County. Petitioner appeals on the grounds that the Agency's disallowance of handling charges was contrary to both the law and Agency precedent. Lincoln Land FS, Inc.'s petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Petitioner 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 petitioner may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, petitioner may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). The petitioner has waived the decision deadline to December 31, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by August 8, 2003, which is 30 days after petitioner 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 July 24, 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