

ILLINOIS POLLUTION CONTROL BOARD
August 7, 2003

WINSLOW BOCO (STRATA GEOLOGIC)	
SERVICES, INC.),)	
)	
Petitioner,)	
)	
v.)	PCB 03-213
)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On May 15, 2003, the Board, at the parties' request, extended until August 1, 2003, the time period within which Winslow Boco (Strata Geologic Services, Inc.) (Strata) may appeal a March 28, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On July 30, 2003, Strata filed a petition asking the Board to review the Agency's determination. Because the postmark date of the petition is within the extended time for filing, the petition was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. At issue is the Agency's approval of reimbursement of costs of corrective action, with modifications, regarding Strata's underground storage tank site located at 204 Carver Street, Winslow, Stephenson County. Strata appeals on the grounds that the Agency assessed the deductible for the site twice, the Agency wrongfully designated certain costs as incurred prior to notification of the Office of the State Fire Marshall, and certain other costs disallowed by the Agency were consistent with the high priority corrective action plan for the site. Strata's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

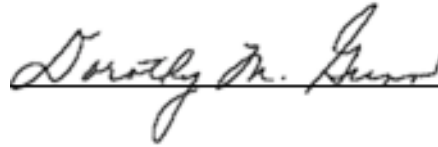
Strata has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2002)), which only Strata may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Strata may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is November 27, 2003 (the 120th day after July 30, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for November 20, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by August 29, 2003, which is 30 days after Strata 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 August 7, 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 solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board