

ILLINOIS POLLUTION CONTROL BOARD
August 7, 2003

McDONALD'S CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 04-14
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

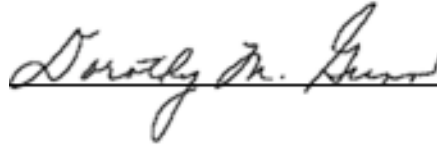
On July 28, 2003, McDonald's Corporation (McDonald's) timely filed a petition asking the Board to review a June 23, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402. At issue is the Agency's approval of reimbursement of requested costs of corrective action, with modifications, regarding McDonald's underground storage tank facility at 1120 West 22nd Street, Oak Brook, DuPage County. McDonald's appeals on the grounds that the costs submitted to the Agency were demonstrated as reasonable and necessary and that the Agency decision was contrary to the requirements of the Environmental Protection Act. McDonald's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

McDonald's 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 McDonald's may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, McDonald's may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is November 25, 2003 (the 120th day after July 28, 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 27, 2003, which is 30 days after McDonald's 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, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board