## ILLINOIS POLLUTION CONTROL BOARD November 6, 2003

CHAMPION LABORATORIES, INC.,	)	
	)	
Petitioner,	)	
	)	
V.	)	PCB 04-65
	)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On October 17, 2003, Champion Laboratories, Inc. (Champion) timely filed a petition asking the Board to review a June 24, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206(a). At issue is the Agency's issuance of a Clean Air Act Permit Program (CAAPP) permit regarding Champion's automotive oil filter manufacturing facility in West Salem, Edwards County. Champion appeals on the grounds that the Agency issued the permit while failing to consider supplemental materials submitted for its consideration.

The petition asserts that the permit was issued June 24, 2002, but that Champion did not receive a copy from the Agency until September 9, 2003. Champion's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing. In accepting the petition, the Board makes no ruling on the timeliness of the filing of this appeal. The Board reserves ruling on the October 17, 2003 motion to stay effectiveness of this CAAPP permit until the Agency's time for filing a response has run. *See* 35 Ill. Adm. Code 101.500(c) (2002).

Champion has the burden of proof. 415 ILCS 5/40(a)(1) (2002); *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). 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 Champion may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Champion "shall be entitled to an Appellate Court order pursuant to Section 41(d) of this Act [415 ILCS 5/41(d) (2002)]." 415 ILCS 5/40.2(c) (2002). Currently, the decision deadline is February 14, 2003 (the 120th day after October 17, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for February 5, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by December 16, 2003, which is 30 days after Champion Laboratories filed the petition. 35 Ill. Adm. Code 105.212(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 105.212(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 November 6, 2003, by a vote of 6-0.

Dorothy Mr. Gund

Dorothy M. Gunn, Clerk Illinois Pollution Control Board