

ILLINOIS POLLUTION CONTROL BOARD
January 22, 2004

ILLINOIS STATE TOLL HIGHWAY)	
AUTHORITY (Lincoln Oasis North),)	
)	
Petitioner,)	
)	
v.)	PCB 04-51
)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On October 16, 2003, the Board, at the parties' request, extended until January 6, 2004, the time period within which Illinois State Toll Highway Authority may appeal a September 3, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On January 6, 2004, Illinois State Toll Highway Authority filed a petition asking the Board to review the Agency's determination. The Agency approved petitioner's high priority corrective action plan, with modifications, regarding Illinois State Toll Highway Authority's underground storage tank site located at Tri-State Tollway (I-294), northbound at mile post 1.1, in South Holland, Cook County. Illinois State Toll Highway Authority appeals on the grounds that the remedial activities in the plan were necessary and appropriate and did not exceed the minimum necessary requirements of the Act and applicable regulations. Illinois State Toll Highway Authority's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

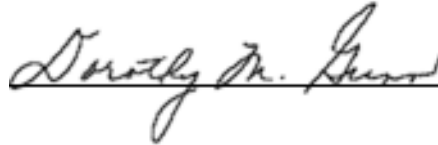
Illinois State Toll Highway Authority has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2002)), which only Illinois State Toll Highway Authority may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Illinois State Toll Highway Authority may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is May 5, 2004 (the 120th day after January 6, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for April 15, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by February 5, 2004, which is 30 days after Illinois State Toll Highway Authority 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 January 22, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board