

ILLINOIS POLLUTION CONTROL BOARD  
January 22, 2004

PREMCOR REFINING GROUP, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-66
	)	(RCRA Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On November 6, 2003, the Board, at the parties' request, extended until January 13, 2004, the time period within which Premcor Refining Group, Inc. (Premcor Refining Group) may appeal a September 10, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.208(a). On January 15, 2004, Premcor Refining Group 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. The Agency rejected a request to modify the approved closure plan regarding Premcor Refining Group's dissolved air flotation unit and roll-off box container storage facility at the Premcor refinery in Hartford, Madison County. Premcor Refining Group appeals on the grounds that the Agency's denial is erroneous. Premcor Refining Group's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

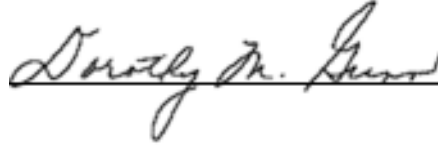
Premcor Refining Group has the burden of proof. 415 ILCS 5/40(a)(1) (2002); *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2002)), which only Premcor Refining Group may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Premcor Refining Group "shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of this Act [415 ILCS 5/41(d) (2002)]." 415 ILCS 5/40(a)(3) (2002). Currently, the decision deadline is May 14, 2004 (the 120th day after January 15, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 6, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by February 14, 2004, which is 30 days after Premcor Refining Group 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 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