

ILLINOIS POLLUTION CONTROL BOARD
April 1, 2004

WEBB & SONS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 04-105
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 8, 2004, the Board, at the parties' request, extended until March 29, 2004 the time period within which Webb & Sons, Inc. (Webb & Sons) may appeal a November 24, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On March 26, 2004, Webb & Sons filed a petition asking the Board to review the Agency's determination. The Agency approved request for reimbursement from the Underground Storage Tank Fund, with modifications, with modifications, for Webb & Sons' leaking underground petroleum storage tank facility located at 1201 DeWitt Avenue, Mattoon, Coles County.

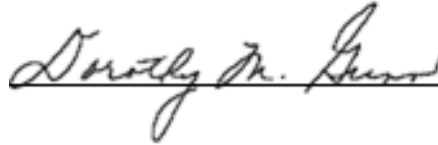
Webb & Sons appeals on the grounds that the Agency's determination was arbitrary, capricious, and without statutory authority. Webb & Sons' petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Webb & Sons 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 Webb & Sons may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Webb & Sons may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is July 24, 2004 (the 120th day after March 26, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for July 22, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by April 25, 2004, which is 30 days after Webb & Sons 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 April 1, 2004, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board