

ILLINOIS POLLUTION CONTROL BOARD  
April 15, 2004

THREE SQUARE FEEDS,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-176
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On April 7, 2004, Three Square Feeds timely filed a petition asking the Board to review an April 5, 2004 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402. The Agency denied reimbursement of certain costs in petitioner's request for reimbursement for Three Square Feeds' leaking underground petroleum storage tank facility located at Route 267 South, Murrayville, Morgan County.

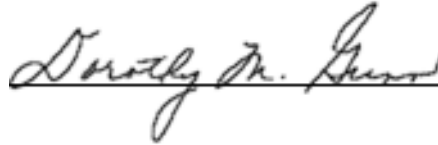
Three Square Feeds appeals on the grounds that the costs submitted to the Agency were costs of corrective action, the costs were reasonable, and the costs are of the types that are eligible for reimbursement. Three Square Feeds' petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Three Square Feeds 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 Three Square Feeds may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Three Square Feeds may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is August 5, 2004 (the 120th day after April 7, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 5, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by May 7, 2004, which is 30 days after Three Square Feeds 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 15, 2004, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board