

ILLINOIS POLLUTION CONTROL BOARD
April 15, 2004

ILLINOIS STATE TOLL HIGHWAY)	
AUTHORITY (Des Plaines Oasis North),)	
)	
Petitioner,)	
)	
v.)	PCB 04-177
)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On April 7, 2004, Illinois State Toll Highway Authority timely filed a petition asking the Board to review a March 4, 2004 final determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402. The Agency approved petitioner's high priority corrective action plan, but approved the budget with modifications as stated in a January 8, 2004 letter for Illinois State Toll Highway Authority's leaking underground petroleum storage tank facility located at I-90, Des Plaines Oasis North, in Des Plaines, Cook County.

Illinois State Toll Highway Authority appeals on the grounds that the costs in the proposed budget were necessary and reasonable to execute the approved corrective action plan for the site. 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.

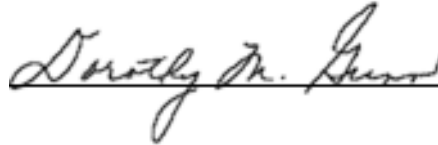
Illinois State Toll Highway Authority has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent 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 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 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 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