

ILLINOIS POLLUTION CONTROL BOARD
May 6, 2004

KELLER OIL COMPANY/EDGEWOOD,)	
)	
Petitioner,)	
)	
v.)	PCB 04-181
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On April 13, 2004, Keller Oil Company/Edgewood (Keller) filed a petition asking the Board to review a March 11, 2004 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.404. At issue is the Agency's modification of Keller's high priority corrective action plan for Keller's leaking underground petroleum storage tanks at its service station located at Route 57, Edgewood, Effingham County.

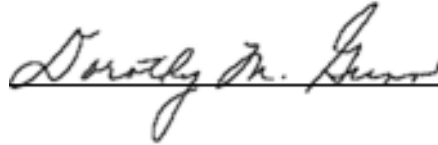
Keller appeals on the grounds that the high priority corrective action completion report was reasonable, and that the Agency's determination contains no additional information regarding why the Agency modified the plan or believes the costs are not reasonable. Keller's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Keller 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 Keller may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Keller may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is August 11, 2004 (the 120th day after April 13, 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 13, 2004, which is 30 days after Keller 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 May 6, 2004, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board