

ILLINOIS POLLUTION CONTROL BOARD
December 2, 2004

HENSON OIL CO.,)	
)	
Petitioner,)	
)	
v.)	PCB 05-97
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On November 18, 2004, Henson Oil Co. (Henson) filed a petition asking the Board to review an October 8, 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 rejection of Henson's amended corrective action plan and budget for Henson's leaking underground petroleum storage tanks located at Old Highway 66 in McLean County.

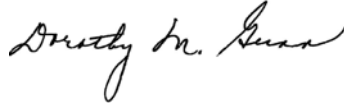
Henson appeals on the grounds that the amended corrective action plan and budget were reasonable, justifiable and eligible for reimbursement from the underground storage tank fund. Henson's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Henson 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 Henson may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Henson may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is March 18, 2005 (the 120th day after November 18, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for March 3, 2005.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by December 20, 2004, which is the first business day following 30 days after Henson 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 December 2, 2004, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board