

ILLINOIS POLLUTION CONTROL BOARD

April 21, 2005

WEBB & SONS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 05-183
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On April 6, 2005, Webb & Sons, Inc. (Webb & Sons) timely filed a petition asking the Board to review a March 2, 2005 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 a corrective action plan, with modifications, for Webb & Sons' leaking underground petroleum storage tank facility located at 1201 DeWitt Avenue, Mattoon, Coles County.

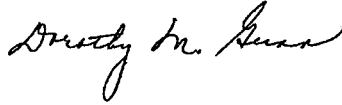
Webb & Sons appeals on the grounds that the Agency's determinations were arbitrary, capricious, and without statutory authority. Webb & Sons' petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

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 August 4, 2005 (the 120th day after April 6, 2005). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 4, 2005.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by May 6, 2005, 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 21, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board