

ILLINOIS POLLUTION CONTROL BOARD  
December 1, 2005

TELZROW OIL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-26
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On November 17, 2005, Telzrow Oil Company (Telzrow) filed a petition asking the Board to review a July 14, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.404. The Board had extended the appeal period until November 17, 2005, in a September 1, 2005 order. At issue is the Agency's denial of certain claimed costs of the corrective action plan from the Underground Petroleum Storage Tank (UST) Fund for Telzrow Oil Company's leaking UST facility located at 605 South State Road, Jerseyville, Jersey County.

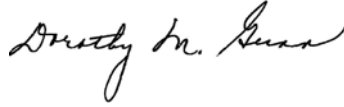
Telzrow appeals on the grounds that the Agency's decision is arbitrary, capricious, in violation of the Act and regulations, and was made for the sole purpose of harassing Telzrow and its consultants. Telzrow's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Telzrow 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) (2004)), which only Telzrow may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Telzrow may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is March 17, 2006 (the 120th day after November 17, 2005). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for March 16, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by December 19, 2005, the first business day 30 days after Terzlow 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 1, 2005, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board