

ILLINOIS POLLUTION CONTROL BOARD  
September 7, 2006

LINCOLNSHIRE/STATE OIL S&S	)	
PETROLEUM,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 07-11
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On August 16, 2006, Lincolnshire/State Oil S&S Petroleum (Lincolnshire) filed a petition asking the Board to review a July 10, 2006 determination of the Illinois Environmental Protection Agency (Agency) (415 ILCS 5/40(a)(1) (2004)); 35 Ill. Adm. Code 105.404. At issue is the Agency's rejection, in part, of an application for payment from the underground storage fund for corrective action performed at Lincolnshire's 399 Milwaukee Avenue, Lake County.

Lincolnshire appeals on the grounds that the money sought was within the previously approved budget and that the Agency's review went well beyond the auditing necessary for adherence to the corrective action measures contained in the proposal. Pet. at 1-2.

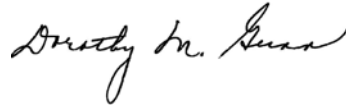
The Board finds that Lincolnshire's petition meets the content requirements of 35 Ill. Adm. Code 105.408, and accepts the petition for hearing.

Lincolnshire 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 Lincolnshire may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Lincolnshire may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is December 14, 2006 (the 120th day after August 16, 2006). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for December 7, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by September 15, 2006, the first business day 30 days after Lincolnshire filed the petition. 35 Ill. Adm. Code 105.410(a). The record must comply with the content requirements of 35 Ill. Adm. Code 105.410(b). The Board notes that the Agency filed the record on September 6, 2006.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 7, 2006, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board