

ILLINOIS POLLUTION CONTROL BOARD  
January 26, 2007

PMA & ASSOCIATES, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 07-63
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On January 16, 2007, PMA & Associates, Inc., (PMA) filed a petition asking the Board to review a December 11, 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 of \$2,096.88 from an application for payment from the underground storage fund for corrective action performed at PMA's facility located at Route 3 and 169 in Union County.

PMA appeals on the grounds that the Agency's contention that it cannot determine if the \$2,096.88 will be used for corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act is erroneous, arbitrary and capricious. Pet. at 2. PMA contends that the application at issue was not for a budget but for reimbursement, that the activities already have been performed, and that the conjecture by the Agency is both illogical and erroneous. *Id.* PMA argues 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 PMA's petition meets the content requirements of 35 Ill. Adm. Code 105.408, and accepts the petition for hearing.

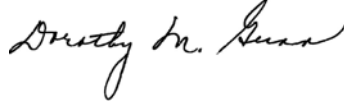
PMA has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline, (415 ILCS 5/40(a)(2) (2004)), which only PMA may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, PMA may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is May 16, 2007 (the 120th day after January 16, 2007). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 3, 2007.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by February 15, 2007, the first business day 30 days after PMA 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).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 26, 2007, 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