

ILLINOIS POLLUTION CONTROL BOARD
January 8, 2015

HAMILTON & GROVE)
PROPERTIES, INC.,)
)
Petitioner,)
)
v.) PCB 15-71
) (Permit Appeal - Land, SRP)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by D. Glosser):

On October 2, 2014, at the parties' request, the Board extended until December 18, 2014 the time period for Hamilton & Grove Properties, Inc. (petitioner) to appeal an August 11, 2014 determination of the Illinois Environmental Protection Agency (Agency). The Agency's determination concerns petitioner's site located at 9942 S. Walden Parkway, Chicago, Cook County. On December 18, 2014, petitioner timely filed a petition asking the Board to review the Agency's determination. See 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.206, 105.208. For the reasons below, the Board accepts the petition for review.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), the Agency is the permitting authority, responsible for administering Illinois' regulatory programs to protect the environment. If the Agency denies a permit or grants one with conditions, the permit applicant may appeal the Agency's decision to the Board. See 415 ILCS 5/4, 5, 40(a)(1) (2012); 35 Ill. Adm. Code 105.Subpart B. Appeals to the Board of specified Agency determinations made under the Site Remediation Program (SRP) (35 Ill. Adm. Code 740) shall be in the manner provided for the review of permit decisions in Section 40 of the Act (415 ILCS 5/40 (2012)). In this case, the Agency issued an SRP request for payment, which petitioner appeals. Petitioner appeals on the grounds that the Agency's costs are undocumented and unreasonable. Petitioner's petition meets the content requirements of 35 Ill. Adm. Code 105.210.

The Board accepts the petition for hearing. Petitioner has the burden of proof. 415 ILCS 5/40(a)(1) (2012); *see also* 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 SRP payment request. See 35 Ill. Adm. Code 105.214(a).

Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2012)), which only petitioner may extend by waiver (*see* 35 Ill. Adm. Code 101.308). Currently, the decision deadline is April 17, 2015, which is the 120th day after the Board received the petition. See 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for April 16, 2015.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by January 20, 2015, which is the first business day after the 30th day from December 18, 2014. *See* 35 Ill. Adm. Code 105.212(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. *See* 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.212(b).

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 8, 2015, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

John T. Therriault, Clerk
Illinois Pollution Control Board