

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2006

CONOCOPHILIPS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 07-14
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

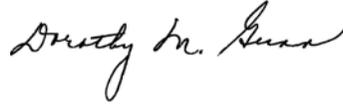
On September 1, 2006, Conocophillips Company timely filed a petition asking the Board to review a July 26, 2006 determination of the Illinois Environmental Protection Agency (Agency) (*see* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.404), denying petitioners request for reimbursement from the Underground Storage Tank Fund. Petitioner seeks reimbursement for remediation at a site located at 524 Old York Road, Elmhurst. Petitioner appeals on the grounds that the Agency's decision is procedurally defective and "incorrect both in terms of the applicable statutes and regulations as applied to the pertinent facts and on general equitable and estoppel grounds." The petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Petitioner 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 the 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 petitioner may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, petitioner may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is December 30, 2006 (the 120th day after September 1, 2006). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for December 21, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record by October 2, 2006, which is 30 days after petitioner 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 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