

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 2003

PIONEER OIL COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 03-44  
 ) (UST Fund)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

The Board accepts for hearing Pioneer Oil Company's (Pioneer) timely filed petition appealing the Environmental Protection Agency's (Agency) decision. The Agency did not approve the site classification work plan budget amendment or site classification completion report regarding an underground storage tank site at 1st and Poplar in Pana, Christian County. Pioneer appeals on the grounds that the Agency decision not to approve the site classification work plan budget was arbitrary and capricious. Also, Pioneer contends that the site classification completion report was prepared and fully implemented according to generally accepted engineering practices. Pioneer's petition meets the content requirements of 35 Ill. Adm. Code 105.408.

On October 17, 2002, the Board, at the parties' request, extended until January 6, 2003, the time period within which Pioneer may appeal an August 30, 2002 determination of the Agency. *See* 415 ILCS 5/40(a)(1) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 105.406. On January 6, 2003, Pioneer filed a petition asking the Board to review the Agency's determination.

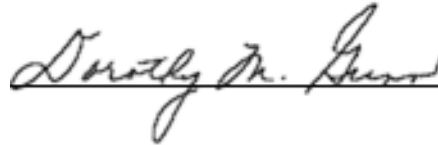
Pioneer has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002), which only Pioneer may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Pioneer may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002. Currently, the decision deadline is May 3, 2003 (the 120th day after January 6, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 1, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by February 5, 2003, which is 30 days after Pioneer 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 January 9, 2003, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board