

ILLINOIS POLLUTION CONTROL BOARD

January 26, 2007

TED'S CITGO,)	
)	
Petitioner,)	
)	
v.)	PCB 07-66
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 18, 2007, Ted's Citgo filed a petition asking the Board to review a December 14, 2006 determination of the Illinois Environmental Protection Agency (Agency) (415 ILCS 5/40(a)(1) (2004)); 35 Ill. Adm. Code 105.404. The Agency approved Ted's Citgo's High Priority Corrective Action Plan, but modified the related Budget, for corrective action at the leaking underground storage tank site located at 1322 Washington Street, Waukegan, Lake County.

Ted's Citgo appeals on the grounds that the Agency's disallowance of \$770.89 for professional services based on a maximum per-foot limitation on monitoring well abandonment costs is erroneous, arbitrary and capricious. Pet. at 2.

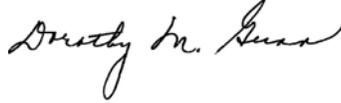
The Board finds that Ted's Citgo's petition meets the content requirements of 35 Ill. Adm. Code 105.408, and accepts the petition for hearing.

Ted's Citgo 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 Ted's Citgo may extend by waiver. See 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Ted's Citgo may deem its request granted. See 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is May 18, 2007 (the 120th day after January 18, 2007). See 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 17, 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 Ted's Citgo 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