

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2007

BOB'S SERVICE CENTER, INC.,)
)
 Petitioner,)
)
 v.) PCB 07-82
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

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

On February 28, 2007, Bob's Service Center, Inc. (Bob's) filed a petition asking the Board to review a January 25, 2007 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 \$5,115.81 from an application for payment from the underground storage fund for corrective action performed at Bob's' facility located at 532 Highway 3 in St. Clair County.

Bob's appeals on the grounds that the Agency's contention that the cost analysis submitted by Bob's lack supporting documentation is erroneous, arbitrary and capricious. Pet. at 2. Bob's asserts that it submitted the required documentation, but that it was ignored by the Agency. *Id.* Bob's also argues that the Agency's contention that it cannot determine if the \$5,115.81 will be used for corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Illinois Environmental Protection Act is erroneous, arbitrary and capricious. *Id.*

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

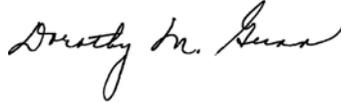
Bob's has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2004)), which only Bob's may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Bob's may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is June 28, 2007 (the 120th day after February 28, 2007). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for June 21, 2007.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by March 30, 2007, the first business day 30 days after Bob's 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 March 15, 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