

ILLINOIS POLLUTION CONTROL BOARD
December 5, 2002

HANNEL OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 03-24
)	PCB 03-25
ILLINOIS ENVIRONMENTAL)	(UST Fund)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

On September 19, 2002, the Board, at the parties' request, extended until December 3, 2002, the time period within which Hannel Oil Company (Hannel) may appeal two separate July 30, 2002 reimbursement determinations of the Illinois Environmental Protection Agency (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. PCB 03-24 covers the Agency determination concerning costs incurred during the period January 1, 2001 to June 30, 2001, while PCB 03-25 covers costs incurred during the period July 1, 2000 to December 31, 2000. Both cases involve a leaking underground storage tank site on Rural Route 100 in Bluffs, Scott County.

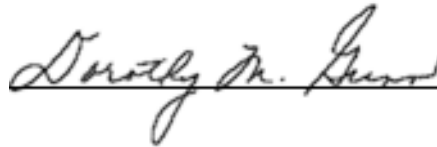
On November 27, 2002, Hannel filed separate petitions for review in each of the two dockets and asking that the Board consolidate PCB 03-24 and PCB 03-25. In each docket, the Agency denied that part of Hannel's request for reimbursement from the Underground Storage Tank Fund related to costs for its Monthly Mobile Groundwater System Equipment. Hannel appeals on several grounds, including the Agency's alleged failure to reimburse reasonable costs, and the Agency's claim that certain costs were denied because documentation was not provided. Hannel's petitions meet the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petitions for hearing, and consolidates dockets PCB 03-24 and PCB 03-25.

Hannel 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 Hannel may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Hannel 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 March 27, 2003 (the 120th day after November 27, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for March 20, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by December 27, 2002, which is 30 days after Hannel 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 December 5, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board