

ILLINOIS POLLUTION CONTROL BOARD

January 23, 2003

FREEDOM OIL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-54
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

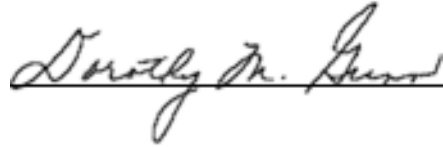
On November 7, 2002, the Board, at the parties' request, extended until January 21, 2003 the time period within which Freedom Oil Company (Freedom Oil) may appeal a September 17, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On January 21, 2003, Freedom Oil filed a petition asking the Board to review the Agency's determination. The Agency denied Freedom Oil's request for extensions of early action reimbursement and the deadline for the 45-day report regarding a leaking underground storage tank site at 401 South Main Street in Paris, Edgar County. Freedom Oil appeals on the grounds that the Agency improperly denied the request for extensions. Freedom Oil's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Freedom Oil 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) (2002)), which only Freedom Oil may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Freedom Oil may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is May 21, 2003 (the 120th day after January 21, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 15, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by February 20, 2003, which is 30 days after Freedom Oil 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 23, 2003, 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