

ILLINOIS POLLUTION CONTROL BOARD
February 6, 2003

TALCOTT BUILDING PARTNERSHIP,)	
)	
Petitioner,)	
)	
v.)	PCB 03-110
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

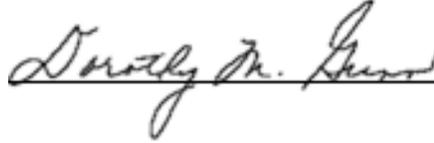
On January 23, 2003, Talcott Building Partnership (Talcott) timely filed a petition asking the Board to review a December 23, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.404. The Agency denied the amended site classification work plan and budget regarding an underground storage tank site at 429 Talcott Street in Cook County. Talcott appeals on the grounds that the Agency incorrectly determined that the incident at the Talcott property was not eligible for reimbursement. Talcott's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Talcott 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 Talcott may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Talcott may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is May 23, 2003 (the 120th day after January 23, 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 24, 2003, the next business day after February 22, 2003, which is 30 days after Talcott filed the petition. 35 Ill. Adm. Code 105.410(a); 35 Ill. Adm. Code 101.300(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 February 6, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board