

ILLINOIS POLLUTION CONTROL BOARD
May 1, 2003

WILLAREDT OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 03-107
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by W.A. Marovitz):

On January 23, 2003, the Board, at the parties' request, extended until April 14, 2003, the time period within which Willaredt Oil Company (Willaredt) may appeal a December 10, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40 (a)(1) (2002); 35 Ill. Adm. Code 105.208(a). On April 16, 2003, Willaredt filed a petition asking the Board to review the Agency's determination.

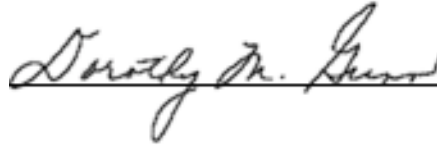
The Agency excluded certain costs associated with a leak from an underground storage tank (UST) site at 1000 U. S. Highway 121, Mt. Zion, Macon County. Willaredt appeals on the grounds that the Agency erred in limiting Willaredt's costs that may be reimbursed from the State UST Fund. Pet. at 2. Willaredt claims that the costs were reasonable and necessary for the work to be performed. *Id.* Willaredt's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Willaredt 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)), which only Willaredt may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Willaredt may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is August 14, 2002 (the 120th day after April 16, 2003 receipt of Willaredt's petition). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 7, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by May 16, 2003, which is 30 days after Willaredt 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 May 1, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board