

ILLINOIS POLLUTION CONTROL BOARD
April 12, 2017

CITY OF BENTON FIRE DEPARTMENT,)
)
Petitioner,)
)
v.) PCB 17-1
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J.A. Burke):

The City of Benton Fire Department (Benton Fire) asks the Board to review the Illinois Environmental Protection Agency's (Agency) decision to modify Benton Fire's costs to investigate a leaking underground storage tank site at 107 North Maple Street in Benton, Franklin County. *See* 415 ILCS 5/40(a)(1) (2014); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404, 105.406.

Board rules require the Agency to file the Agency's record within 30 days of Benton Fire filing its petition. 35 Ill. Adm. Code 105.116, 105.410. Benton Fire filed its petition on July 18, 2016. Accordingly, the Board directed the Agency to file its record by August 17, 2016. After no record was filed, the Board's hearing officer directed the Agency to file its record by March 22, 2017. The Agency neither filed the record nor sought additional time for a filing that is now almost eight months past due.

The Board therefore directs the Agency to file the record of its decision by May 12, 2017. The record must comply with Board rules, as outlined in the Board's August 11, 2016 order.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 12, 2017, by a vote of 5-0.



Don A. Brown, Assistant Clerk
Illinois Pollution Control Board