

ILLINOIS POLLUTION CONTROL BOARD

June 19, 2003

CATHOLIC BISHOP OF CHICAGO,)	
)	
Petitioner,)	
)	
v.)	PCB 03-230
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

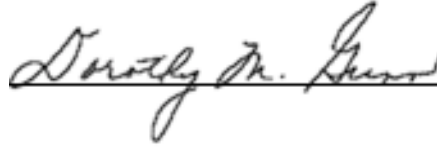
On June 13, 2003, Catholic Bishop of Chicago timely filed a petition asking the Board to review the May 9, 2003, voiding of a No Further Remediation (NFR) Letter by the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402. The Agency could not confirm the Catholic Bishop of Chicago's recording of the NFR Letter with the Cook County Recorder of Deeds regarding the underground storage tank facility at St. Gall School, 5515 South Sawyer, Chicago, Cook County. Catholic Bishop of Chicago appeals to obtain further time to properly submit the NFR Letter to the Recorder of Deeds. Catholic Bishop of Chicago's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Catholic Bishop of Chicago 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 Catholic Bishop of Chicago may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Catholic Bishop of Chicago is entitled to an appellate court order under Section 41(d) of the Act. *See* 415 ILCS 5/41(d) (2002); 35 Ill. Adm. Code 732.704(d). Currently, the decision deadline is October 11, 2003 (the 120th day after June 13, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for October 7, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by July 13, 2003, which is 30 days after Catholic Bishop of Chicago 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 June 19, 2003, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board