

ILLINOIS POLLUTION CONTROL BOARD

February 20, 2003

KNOX COLLEGE,)	
)	
Petitioner,)	
)	
v.)	PCB 03-65
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On November 21, 2002, the Board, at the parties' request, extended until February 3, 2003, the time period within which Knox College, petitioner, may appeal an October 1, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On February 3, 2003, Knox College placed in the U.S. mail a petition seeking review of the Agency's determination. The Board received the petition on February 4, 2003. Because the petition was post-marked February 3, 2003, the petition was timely filed. *See* 35 Ill. Adm. Code 101.300(b)(2).

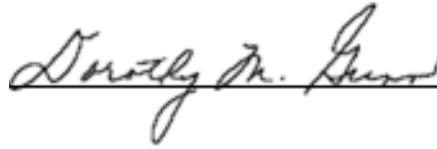
The Agency rejected the proposed budget for the low priority groundwater monitoring plan regarding a leaking underground storage tank site at 161 East Berrien Street in Galesburg, Knox County. Knox College appeals on the grounds that the Agency's rejection of the budget has no legal basis. Knox College's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Knox College 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 Knox College may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Knox College may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is June 4, 2003 (the 120th day after February 4, 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 March 6, 2003, which is 30 days after Knox College 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 February 20, 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