

ILLINOIS POLLUTION CONTROL BOARD

June 19, 2014

ESTATE OF GERALD D. SLIGHTOM,)	
)	
Petitioner,)	
)	
v.)	PCB 14-124
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

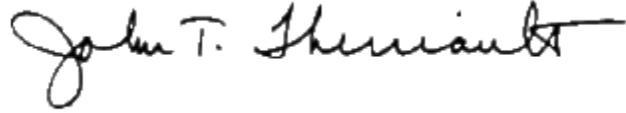
On April 4, 2014, the Estate of Gerald D. Slightom (Estate) filed this appeal of a March 20, 2014 Illinois Environmental Protection Agency (Agency) Underground Storage Tank Fund (Fund) decision. *See* 415 ILCS 5/40 (2012), 35 Ill. Adm. Code 734.660(a)(3). The Agency decision determined that an excess payment had been made from the Fund relating to the Estate's property at 103 North Third Street in Girard, Macoupin County. This case arises out of the same facts as another case currently before the Board. *See* Estate of Gerald D. Slightom v. IEPA, PCB 11-25. The Board issued its final decision in that case on this same day. *See* Slightom, PCB 11-25 (June 19, 2014)

An Agency determination of an excess payment is subject to appeal to the Board in the manner provided for the review of permit decisions in Section 40 of the Act. 35 Ill. Adm. Code 734.660(a)(3). The Board accepts the Estate's petition for hearing. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline. 415 ILCS 5/40(a)(2) (2012). The current decision deadline is December 31, 2014, which only the Estate may extend by waiver. *See* 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, the Estate may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2012). The Board meeting immediately before the decision deadline is scheduled for December 18, 2014.

The Agency must file the entire record of its determination. *See* 35 Ill. Adm. Code 105.410(a). The record must comply with the content requirements of 35 Ill. Adm. Code 105.410(b). The Agency record was originally due May 5, 2014, which was the first business day following 30 days after the Board received the Estate's appeal. *See* 35 Ill. Adm. Code 105.116. The parties had previously noted that they intended to only proceed in this case following conclusion of the related case. Therefore, the Board orders the Agency to file the record by July 21, 2014.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 19, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board