

ILLINOIS POLLUTION CONTROL BOARD  
July 24, 2003

OWENS OIL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-192
	)	PCB 03-194
ILLINOIS ENVIRONMENTAL	)	PCB 03-195
PROTECTION AGENCY,	)	PCB 03-196
	)	PCB 03-197
Respondent.	)	PCB 03-203
	)	(UST Appeal)

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

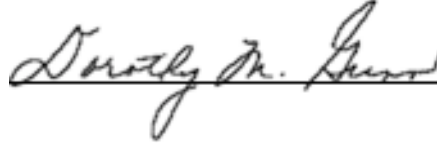
On April 16, 2003, April 18, 2003 and April 25, 2003, the Board, at the parties' request, extended until July 11, 2003, the time period within which Owens Oil Company (Owens Oil) may appeal March 7, 2003, March 11, 2003, and March 18, 2003 determinations of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On July 14, 2003, Owens Oil filed a petition for review and a motion to consolidate the petitions in these six named cases. All the petitions involve the same parties with the same names and site. The Agency denied certain costs for reimbursement regarding an underground storage tank site located at 401 North Main, Greenfield, Greene County. Owens Oil appeals on the grounds that the certain costs denied by the Agency are reasonable corrective action costs and eligible for reimbursement. Owens Oil's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing and grants the petitioner's motion.

Owens Oil 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 Owens Oil may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Owens Oil may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is November 6, 2003 (the 120th day after April 18, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for October 16, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by August 10, 2003, which is 30 days after Owens Oil 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 July 24, 2003, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board