

ILLINOIS POLLUTION CONTROL BOARD  
November 21, 2002

KING'S 66 SERVICE STATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-16
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.A. Manning):

On August 22, 2002, the Board, at the parties' request, extended until November 11, 2002, the time period within which King's 66 Service Station (King's) may appeal a July 9, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 105.406. On November 15, 2002, King's filed a petition asking the Board to review the Agency's determination.

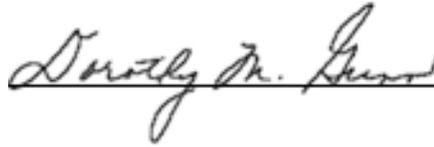
The Agency modified the high priority site investigation corrective action plan budget regarding a leaking underground storage tank site at 6658 State Route 162 in Edwardsville, Madison County. King's appeals on several grounds, including the Agency's alleged failure to justify the removal of a tank from the budget. King's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

King's 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) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002), which only King's may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, King's may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002. Currently, the decision deadline is March 15, 2003 (the 120th day after November 15, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for March 6, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by December 15, 2002, which is 30 days after King's 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 November 21, 2002, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board