

ILLINOIS POLLUTION CONTROL BOARD  
October 17, 2002

TODD'S SERVICE STATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-2
	)	(UST Fund)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On July 11, 2002, the Board, at the parties' request, extended until October 10, 2002, the time period within which Todd's Service Station (Todd's) may appeal a May 16, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000) *as amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 105.406. On October 10, 2002, Todd's filed a petition asking the Board to review the Agency's determination.

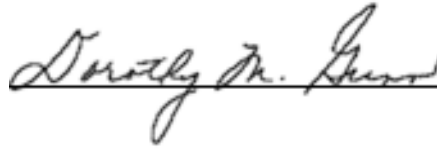
The Agency modified Todd's proposed budget for the high priority corrective action plan regarding a leaking underground storage tank site at 1303 Washington Road, Washington, Tazewell County. Todd's challenges the Agency's determination that some of the hourly rates and number of hours for personnel charges for which payment was requested were unreasonable. Todd's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Todd'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) *as amended by* P.A. 92-0574, eff. June 26, 2002), which only Todd's may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Todd's may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000) *as amended by* P.A. 92-0574, eff. June 26, 2002. Currently, the decision deadline is February 5, 2003 (the 120th day after October 10, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for January 23, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by November 5, 2002. 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 October 17, 2002, 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 horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board