

ILLINOIS POLLUTION CONTROL BOARD
June 20, 2002

SPORTS AIRCRAFT, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 02-129
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On March 21, 2002, the Board, at the parties' request, extended until June 17, 2002, the time period within which Sports Aircraft, Inc. (Sports) may appeal a February 8, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.406. On June 14, 2002, Sports filed a petition asking the Board to review the Agency's determination.

The Agency denied part of Sports' request for reimbursement from the Underground Storage Tank Fund regarding a leaking underground storage tank site at 8300 Kearney Road, Downers Grove, DuPage County. Sports appeals on several grounds, including the Agency's alleged failure to correctly apportion costs among the tanks removed. Sports' petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

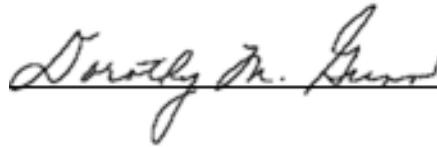
Sports has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2000)), which only Sports may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Sports may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is October 12, 2002 (the 120th day after June 14, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for October 3, 2002.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by July 14, 2002, which is 30 days after Sports 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 June 20, 2002, 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