

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

REZMAR CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 02-116
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On March 7, 2002, the Board, at the parties' request, extended until May 21, 2002, the time period within which Rezmar Corporation (Rezmar) may appeal a January 16, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.406. On May 21, 2002, Rezmar filed a petition asking the Board to review the Agency's determination.

The Agency denied reimbursement of certain corrective action costs for leaking underground storage tank incident number 991077 located at 850 North Ogden Avenue, Chicago, Cook County. Rezmar appeals on the grounds that its early action activities fulfilled the requirements of 35 Ill. Adm. Code 732.202 and 732.203, and that the Agency erroneously denied reimbursement for these activities. Rezmar's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Rezmar 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 Rezmar may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Rezmar may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is September 18, 2002 (the 120th day after May 21, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for September 5, 2002.

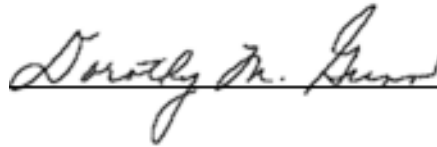
Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by June 21, 2002, which is 30 days after Rezmar filed the petition. 35 Ill. Adm. Code 105.410(a). If the Agency wishes to seek additional time to file the record, it must file a request 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.

Board Member N.J. Melas abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board