

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

LOGAN JONES LTD. PARTNERSHIP,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 02-114
	)	(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 Logan Jones Ltd. Partnership (Logan) may appeal a January 14, 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, Logan 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 961913 located at 2558 North Jones Street, Chicago, Cook County. Logan appeals on the grounds that the Agency denied the claim by improper retroactive application of 35 Ill. Adm. Code 732.202(g). Logan's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

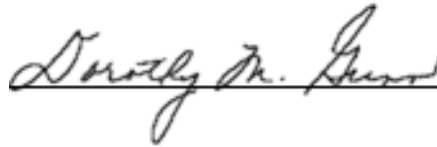
Logan has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2000)), which only Logan may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Logan 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 Logan 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 6, 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