

ILLINOIS POLLUTION CONTROL BOARD
June 19, 2003

SWEARINGIN AMOCO (10-1-1996 to)	
2-28-1997; 5-1-1997 to 3-31-1997; 10-1-1007)	
to 10-31-1998; and 3-1-1995 to 5-31-1997,)	
)	
Petitioner,)	
)	
v.)	PCB 03-156
)	PCB 03-157
)	PCB 03-158
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On April 3, 2003, the Board, at the parties' request and by three separate orders, extended until June 16, 2003, the time period within which Swearingin Amoco (Swearingin) may appeal three February 10, 2003 determinations of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406.

At issue is the Agency's granted reimbursement of corrective action costs, with modifications, regarding Swearingin's underground storage tank site located at 503 South State Street, Jerseyville, Jersey County. The costs were incurred for four separate periods: October 1, 1996 to February 28, 1997 for PCB 03-156; May 1, 1997 to March 31, 1998 for PCB 03-157; and October 1, 1997 to October 31, 1998 and March 1, 1995 to May 31, 1997 for PCB 03-158.

On June 16, 2003, Swearingin filed three petitions asking the Board to review the Agency's determination. On June 16, 2003, Swearingin filed a motion to consolidate the three petitions.

Swearingin appeals on the grounds that the costs submitted to the Agency were reasonable and were the types of costs that are eligible for reimbursement under the Act. Swearingin's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing. The Board further grants consolidation of the three dockets for purposes of hearing.

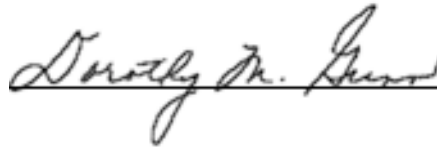
Swearingin has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2002)), which only Swearingin may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Swearingin may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is October 14, 2003 (the 120th day

after June 16, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for October 7, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by July 16, 2003, which is 30 days after Swearingin 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 19, 2003, 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