

ILLINOIS POLLUTION CONTROL BOARD
June 5, 2003

CHRONISTER OIL COMPANY d/b/a)	
QUIK-N-EZ,)	
)	
Petitioner,)	
)	
v.)	PCB 03-122
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M.E. Tristano):

On February 20, 2003, the Board, at the parties' request, extended until May 12, 2003, the time period within which Chronister Oil Company d/b/a Quik-N-Ez (Quik-N-Ez) may appeal a January 3, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.406. On May 12, 2003, Quik-N-Ez filed a petition asking the Board to review the Agency's determination.

The Agency disallowed handling charges for a petroleum release located at 301 South Poplar, Pana, Christian County. Quik-N-Ez appeals on the grounds that the Agency's rejection of handling charges is contrary to both the law and Agency precedent, inasmuch as the handling charges are reasonable and necessary for the work to be performed. Quik-N-Ez's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

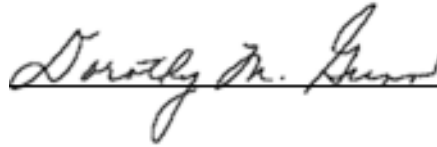
Quik-N-Ez has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2002)), which only Quik-N-Ez may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Quik-N-Ez may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is September 9, 2003. *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for September 4, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by June 12, 2003, which is 30 days after Quik-N-Ez 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 5, 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