

ILLINOIS POLLUTION CONTROL BOARD  
May 1, 2003

TED HARRISON OIL, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-198
	)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

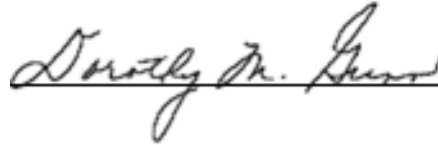
On April 21, 2003, Ted Harrison Oil, Inc. (Ted Harrison) timely filed a petition asking the Board to review a March 14, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206(a). The Agency denied Ted Harrison's request to modify the existing permit at their soil treatment facility located in Virginia, Cass County. Ted Harrison appeals on the grounds that the Agency's denial is arbitrary and unreasonable. Ted Harrison's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

Ted Harrison has the burden of proof. 415 ILCS 5/40(a)(1) (2002); *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). 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 Ted Harrison may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Ted Harrison "may deem the permit issued." 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is August 19, 2003 (the 120th day after April 17, 2003. *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 7, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after Ted Harrison filed the petition. 35 Ill. Adm. Code 105.212(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 105.212(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 May 1, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board