

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2003

2F, INC.,)
)
 Petitioner,)
)
 v.) PCB 03-112
) (UST Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)
)

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

On January 21, 2003, the Board, at the parties' request, extended until April 29, 2003, the time period within which 2F, Inc. (petitioner) may appeal a December 19, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On April 29, 2003, 2F, Inc. filed a petition asking the Board to review the Agency's determination.

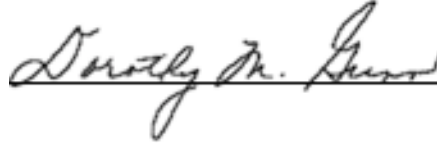
The Agency denied petitioner's request for reimbursement from the Underground Storage Tank Fund regarding an underground storage tank site at 1011 West Popular, Harrisburg, Williamson County. Petitioner appeals on the grounds that the Agency's rejection is unreasonable, arbitrary and capricious, and was made with no technical justification. 2F Inc.'s petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Petitioner 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 petitioner may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, petitioner may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is August 27, 2003. *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 21, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by May 29, 2003, which is 30 days after petitioner 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 May 15, 2003, 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