

ILLINOIS POLLUTION CONTROL BOARD
January 10, 2002

LOCKFORMER COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 02-86
)	(SRP Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

On December 26, 2001, Lockformer Company (Lockformer) timely filed a petition asking the Board to review a November 16, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.206(a). Lockformer was served with the determination on November 20, 2001.

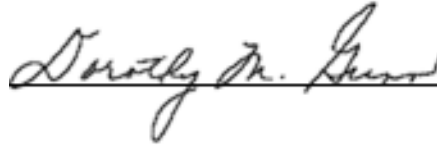
The Agency terminated Lockformer's Site Remediation Program (SRP) Review and Evaluation Services Agreement regarding Lockformer's metal fabrication and manufacturing facility located at 711 Ogden Avenue, Lisle, DuPage County. Lockformer appeals on the grounds that the Agency's termination does not meet the requirements of 35 Ill. Adm. Code 740.230(a). Lockformer further alleges that it has not failed to pay reasonable costs incurred by the Agency, and that the USEPA administrative order is not contrary to activities conducted by Agency personnel under the SRP. Lockformer's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

Lockformer has the burden of proof. 415 ILCS 5/40(a)(1) (2000); *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) (2000)), which only Lockformer may extend by waiver (*see* 35 Ill. Adm. Code 101.308). Currently, the decision deadline is April 25, 2002 (the 120th day after December 26, 2001). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for April 18, 2002.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after Lockformer 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 January 10, 2002, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board