

ILLINOIS POLLUTION CONTROL BOARD
March 18, 2004

JEAN MATHISON and ROCKFORD)
STOP-N-GO, INC.,)
)
Petitioners,)
)
v.) PCB 04-146
) (UST Fund)
OFFICE OF THE STATE FIRE)
MARSHAL and ILLINOIS)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondents.)

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

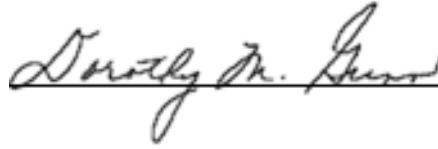
On March 3, 2004, Jean Mathison and Rockford Stop-N-Go, Inc (petitioners) timely filed a petition asking the Board to review a January 26, 2004 determination of the Office of the State Fire Marshal (OSFM). *See* 415 ILCS 5/57.9(c)(2) (2002); 35 Ill. Adm. Code 105.504(b). The OSFM determined that petitioners have a \$100,000 deductible for reimbursement from the Underground Storage Tank Fund regarding an underground storage tank (UST) site located at 4550 Illinois Route 173, Poplar Grove, Boone County. Petitioners appeal on the grounds that five of the tanks on the site were registered prior to July 28, 1989, and two additional tanks, including the leaking UST, were discovered during removal on February 22, 1990. The deductible is the only subject of this appeal.

Petitioners' also named the Illinois Environmental Protection Agency (Agency) as a respondent in the petition. The petition meets the content requirements of 35 Ill. Adm. Code 105.506; however, the Agency is not a proper respondent to this proceeding (*see* 415 ILCS 5/57.9(c)(2) (2002); 35 Ill. Adm. Code 105.504(a)). Therefore, the Board accepts the petition for hearing and strikes the Agency as a respondent. The caption in all future filings and orders will not include the Agency as a respondent.

Petitioners have the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be scheduled and completed in a timely manner. Unless the Board or the hearing officer orders otherwise, the OSFM must file the entire record of its determination within 30 days after petitioners filed the petition. 35 Ill. Adm. Code 105.508(b). If the OSFM 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 105.508(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 March 18, 2004, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board