

ILLINOIS POLLUTION CONTROL BOARD
July 10, 2003

SCI ILLINOIS SERVICES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 04-1
)	PCB 04-3
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On July 1, 2003, SCI Illinois Services, Inc. (SCI) timely filed a petition. Docketed as PCB 04-1, this petition asks the Board to review a May 27, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402. At issue is the Agency's rejection of the site classification completion report regarding SCI's underground petroleum storage tank facility 2501 East Euclid Avenue, Arlington Heights, Cook County. SCI appeals on the grounds that the Agency rejection of the report was improper.

SCI filed a second petition for review on July 2, 2003. This second petition, docketed as PCB 04-3, asks the Board to review a June 11, 2003 Agency determination not to allow reimbursement of requested corrective action costs for its facility. SCI appeals on the grounds that the Agency denial of reimbursement was improper.

On July 7, 2003, SCI filed a motion to strike portions of its July 1, 2003 petition for review. The July 1, 2003 petition also requested that the Board review a June 11, 2002 denial of reimbursement of corrective action costs. After being contacted by the Clerk as to correct procedure on June 2, 2003, SCI filed PCB 04-3, a separate petition for review of the June 11, 2002 decision. SCI requested that the Board strike those portions of its petition that related to the June 11, 2002 denial of reimbursement of corrective action costs. The Board grants that motion and strikes paragraph four of the petition, subsections (d) and (e) of the prayer for relief, and exhibit B attached to the petition.

SCI's petitions meet the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petitions for hearing. The Board notes that the appeals involve the same parties, the same Cook County facility, and issues of SCI's cleanup and cleanup cost reimbursement from the Underground Storage Tank Fund. The Board, on its own motion, consolidates the two petitions. The appeals are consolidated for hearing. *See* 35 Ill. Adm. Code 101.406. Future filings must reflect the amended caption of this order.

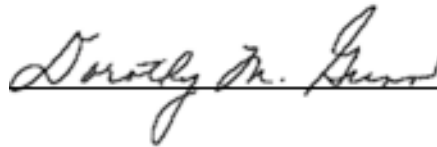
SCI has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35

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 SCI may extend by waiver. *See* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, SCI may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is October 29, 2003 (the 120th day after July 1, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for October 16, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by July 31, 2003, which is 30 days after SCI filed the first 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 July 10, 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