

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 2004

HORTENSE SINGER,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-149
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On March 18, 2004, the Board, at the parties' request, extended until June 1, 2004, the time period within which Hortense Singer (Singer) may appeal a January 27, 2004 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. On June 1, 2004, Singer filed a petition asking the Board to review the Agency's determination. The Agency denied portions of petitioner's request for reimbursement of corrective action costs for Singer's leaking underground petroleum storage tank facility located at 3 South 338 Route 59, Warrenville, DuPage County.

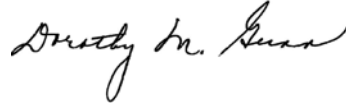
Singer appeals on the grounds that the costs claimed were reasonable and consistent with corrective action at the site and the Agency's position that only receipts can constitute supporting documentation is arbitrary, capricious, and without statutory authority. Singer's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Singer 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 Singer may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Singer may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is September 29, 2004 (the 120th day after June 1, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for September 16, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by July 1, 2004 which is 30 days after Singer 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 June 17, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board