

ILLINOIS POLLUTION CONTROL BOARD
August 23, 2001

MAHANBIR DHILLON d/b/a EXPRESS)
FOOD AND GAS,)
)
Petitioner,)
) PCB 02-9
v.) (UST - Reimbursement)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

On July 24, 2001, petitioner, through his consulting firm, filed a petition to appeal the Illinois Environmental Protection Agency's (Agency) June 21, 2001 underground storage tank deductibility determination. The determination concerns petitioner's facility located at 1754 North Central Avenue, Chicago, Cook County, Illinois.

On August 7, 2001, petitioner Mahanbir Dhillon filed an amended petition, stating that he will represent himself in this matter. Dhillon also states that he is the sole owner of Express Food and Gas. The Board has previously found that if a petitioner is an unincorporated sole proprietorship, petitioner may represent himself. Riverview FS v. Illinois Environmental Protection Agency (July 10, 1997), PCB 97-226. The Board accepts the amended petition.

This matter is accepted for hearing. The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver. Petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.308. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

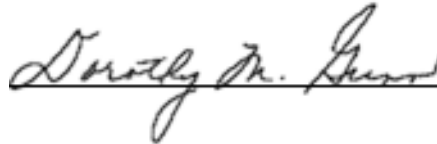
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that a 21-day public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses, and all actual exhibits to the Board within five days of the hearing.

Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now December 5, 2001; a Board meeting is scheduled for November 15, 2001.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The Board notes that Board rules (35 Ill. Adm. Code 105.212) require the Agency to file the entire Agency record of the reimbursement application within 30 days after filing of the petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of August 2001 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