

ILLINOIS POLLUTION CONTROL BOARD
July 7, 2005

13 EAST QUICK STOP,)	
)	
Petitioner,)	
)	
v.)	PCB 05-218
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On June 24, 2005, 13 East Quick Stop timely filed a petition asking the Board to review a May 23, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.402. The Agency conditionally approved 13 East Quick Stop's corrective action plan, with modifications, and rejected the corrective action plan budget for its leaking underground petroleum storage tank facility located at Route 13 East, Crab Orchard, Williamson County.

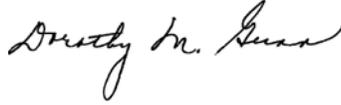
13 East Quick Stop appeals the rejection of the corrective action plan budget only on the grounds that (1) the Agency exceeded its statutory authority by requesting detailed information on the budget and (2) the Agency actions were arbitrary and capricious and without statutory authority. 13 East Quick Stop's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

13 East Quick Stop 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) (2004)), which only 13 East Quick Stop may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, 13 East Quick Stop may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is October 22, 2005 (the 120th day after June 24, 2005). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for October 20, 2005.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by July 25, 2005, which is the first business day after 30 days after 13 East Quick Stop 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 July 7, 2005, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board