

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2005

Q & E PROPERTIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 06-14
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 29, 2005, Q & E Properties, Inc. (Q & E Properties) timely filed a petition asking the Board to review a July 1, 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 denied a request for reimbursement of certain costs of corrective action from the underground storage tank (UST) Fund for Q & E Properties' leaking UST facility located at 1100 Stevenson Drive, Springfield, Sangamon County.

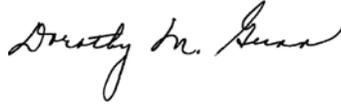
Q & E Properties appeals on the grounds that the costs submitted to the Agency are reasonable costs of corrective action and are consistent with previously approved amounts. Q & E Properties' petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Q & E Properties 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 Q & E Properties may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Q & E Properties may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is November 26, 2005 (the 120th day after July 29, 2005). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for November 17, 2005.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by August 28, 2005, which is 30 days after Q & E Properties 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 August 4, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board