

ILLINOIS POLLUTION CONTROL BOARD  
April 20, 2006

ARLYN'S SERVICE CENTER,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-130
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On January 19, 2006, the Board, at the parties' request, extended until April 13, 2006 the time period within which Arlyn's Service Center may appeal a December 7, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.406. On April 10, 2006, Arlyn's Service Center filed a petition asking the Board to review the Agency's determination. The Agency denied certain costs of corrective action for Arlyn's Service Center's leaking underground petroleum storage tank facility located at 210 East Pine, Percy, Randolph County.

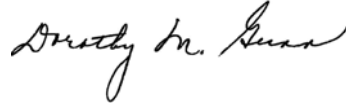
Arlyn's Service Center appeals on the grounds that the Agency finding that costs were not eligible for reimbursement was in error as a matter of fact and law. Arlyn's Service Center's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Arlyn's Service Center 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 Arlyn's Service Center may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Arlyn's Service Center may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is August 8, 2006 (the 120th day after April 10, 2006). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 3, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by May 10, 2006, which is 30 days after Arlyn's Service Center 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 April 20, 2006, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board