

ILLINOIS POLLUTION CONTROL BOARD
September 6, 2001

JOHNSON OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 01-158
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

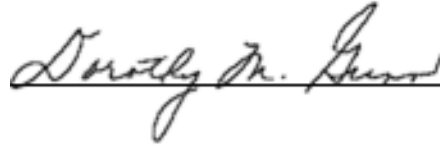
On June 7, 2001, the Board, at the parties' request, extended until August 23, 2001, the time period within which Johnson Oil Company (Johnson) could appeal an April 20, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.406. On August 27, 2001, Johnson timely filed a petition asking the Board to review the Agency's determination. *See* 35 Ill. Adm. Code 101.300(a)(2,4). The Agency denied Johnson's request for reimbursement of certain corrective action costs regarding an underground storage tank site in Dwight, Livingston County. Johnson appeals on the grounds that the Agency's decision is arbitrary, capricious, and without statutory authority. Johnson's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Johnson 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) (2000)), which only Johnson may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Johnson may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is December 25, 2001 (the 120th day after August 27, 2001). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for December 20, 2001.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after Johnson 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 September 6, 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