

ILLINOIS POLLUTION CONTROL BOARD  
September 23, 1993

WEYERHAUSER CO.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-105
	)	(UST Fund)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

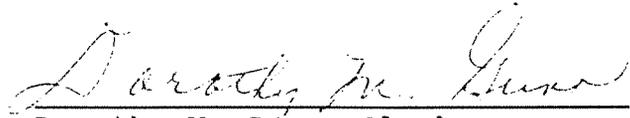
ORDER OF THE BOARD (by C. A. Manning):

On September 14, 1993, Petitioner, Weyerhaeuser Co., filed a status report in accordance with the Board's order of May 20, 1993, and a motion to stay proceedings. The Board originally, on September 17, 1992, granted the petitioner a stay pending the decision of the Illinois Office of State Fire Marshal ("OSFM") regarding the registration status of the underground storage tank ("UST") involved in this proceeding. As reported in the petitioner's previous status report, the OSFM has deferred making a decision in the matter pending the outcome of Board of Education, Community Consolidated School Dist. No. 15 v. Armstead, No. 91 CH 4963, which involves similar issues as in this matter. Armstead was decided on September 11, 1992 upholding the arguments made by the petitioner. The State has appealed the decision of the Circuit Court in Board of Education, Community Consolidated School Dist. No. 15 v. Armstead, No. 92-4145 (Ill. App. Ct., 1st Dist.). Petitioner's attorney was informed by the office of the clerk of the Illinois Appellate Court, First District, that all briefs have been submitted but that the case has not yet been set for oral argument. The OSFM has stated that it does not plan to take action until the Appellate Court rules in Armstead. Petitioner is requesting an extension of the stay for an additional 180 days pending the decision of the Appellate Court and OSFM.

Petitioner's motion to extend the stay of proceedings in this matter is hereby granted for 180 days, through March 15, 1994; the Petitioner shall file status reports on a ninety (90) day interval which includes an estimated date for the termination of this action. If OSFM renders a final decision before March 15, 1994, petitioner shall promptly report that fact to the Board.

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 15 day of September, 1993, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board