

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1993

WEYERHAUSER CO.,)	
)	
Petitioner,)	
)	
v.)	PCB 92-105
)	(Underground Storage
)	Fund Reimbursement
)	Determination)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on a December 30, 1992, motion by Weyerhaeuser Company (Petitioner) to continue the stay of proceedings granted by the Board on September 17, 1992. That stay was granted to allow time for the Illinois Office of the Fire Marshal ("OSFM") to render a final decision determining the registration of the underground storage tank (UST) in question. Petitioner alleges that the registration status of the UST is a central issue in this appeal, and that it is also possible that the OSFM determination will render this appeal moot.

On September 17, 1992, the Board granted petitioner a motion to stay the proceedings for 120 days (until January 17, 1993) at which time petitioner was ordered to report on the status of the appeal of the OSFM's decision, and if necessary, request an extension of the stay. The Board notes that on September 3, 1992, pursuant to 35 Ill. Adm. Code 101.105, the petitioner filed an open waiver of its right to final Board action on this matter as provided for in Section 40 of the Environmental Protection Act (Ill.Rev. Stat. ch. 111 1/2 par. 1040 (1991)).

Pursuant to the September 17, 1992 order, petitioner has filed a status report with the Board. Petitioner reports that OSFM conducted a hearing on this matter on November 10, 1992, and that all final briefs have been submitted. Petitioner further reports that the hearing officer has not yet made his recommendation and the OSFM has not rendered a final decision. Petitioner requests a continuation of the stay of proceedings for an additional 120 days while awaiting OSFM's final decision in this matter.

Petitioner's motion to continue the stay of proceedings in this matter is hereby granted for 120 days, through May 17, 1993; at that time petitioner shall file a status report which includes

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an estimated date for the termination of this action. If OSFM renders a final decision before May 17, 1993, 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 7th day of January, 1993, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board