

ILLINOIS POLLUTION CONTROL BOARD

September 18, 1997

TRI STAR MARKETING, INC.,	)	
	)	
Petitioner,	)	
	)	PCB 97-199
v.	)	(Water Well Setback Exception)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by R.C. Flemal):

On August 14, 1997 Tri Star Marketing, Inc. (Tri Star) filed an amended petition for water well setback exception as required by the Board's July 10, 1997 order. On September 2, 1997 the Illinois Environmental Protection Agency (Agency) filed a response to the amended petition. On September 8, 1997 Tri Star filed a motion for leave to file amended and restated affidavit of Jon D. Stewart and waiver of hearing. The Board grants the motion to file the affidavit. However, the Board cannot accept Tri Star's waiver of hearing. As required by 35 Ill. Adm. Code 106.604(a), the Board must hold at least one public hearing prior to granting a water well setback exception. This matter is accepted for hearing.

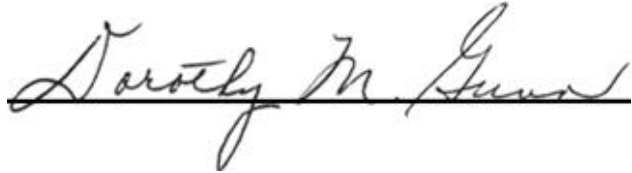
The hearing must be scheduled and completed in a timely manner. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that 21-day public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

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 18<sup>th</sup> day of September 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board