

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1996

MARTIN & BAYLEY, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-252
)	(UST - Reimbursement)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On June 10, 1996 Martin & Bayley, Inc. (Martin & Bayley) filed a petition for review of an Illinois Environmental Protection Agency (Agency) final reimbursement determination from the Underground Storage Tank Fund. The Agency issued a final reimbursement decision on May 3, 1996, accompanied by Attachment A which contains the stated reasons for deductions. The final determination concerns Martin & Bayley's site located at 402 East Calumet, Centralia, Marion County, Illinois. This matter is accepted for hearing.

On June 18, 1996 the Agency filed a motion for an extension of time to file Agency Record. The Agency requests the Board to grant an extension of the 14-day period for filing the Agency Record to any other date not less than 30 days from the date of the scheduled public hearing, if a hearing is scheduled.

The Agency states that no prejudice will result in granting the extension, as the petitioner is already in possession of the majority of documents which would constitute the Agency Record. No hearing has been scheduled.

The Board grants the Agency's motion for an extension of time. The Agency Record is now due 30 days prior to the date of a scheduled hearing in this matter. The hearing officer assigned to this matter when scheduling a hearing, in the same order, shall also establish the filing date of the Agency Record consistent with this order.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver. (Petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105.) 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 40 days in advance of hearing so that 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.

Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now October 8, 1996 (120 days from June 10, 1996); the Board meeting immediately preceding the decision deadline is scheduled for October 3, 1996.

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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board