

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1996

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

ORDER OF THE BOARD (by J. Yi):

The Board in its order of August 24, 1995 directed the petitioner to file a status report on or before February 23, 1996 and extended the stay in this matter until March 8, 1996. On February 27, 1996, petitioner, Weyerhaeuser Co., filed a status report. Previously the Board granted 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. There has been an open waiver filed in this proceeding and as of the date of this order, no hearing has been held in this matter.

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.). Oral argument before the Illinois Appellate Court, First District, took place on January 10, 1996. As of February 27, 1996, the court had not yet rendered its decision.

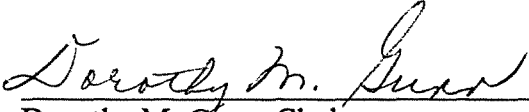
The hearing officer in petitioner's appeal of the OSFM's decision recommended that the OSFM defer any decision in petitioner's appeal until after the Appellate Court ruled in the Armstead case. The OSFM has stated that it does not plan to take action until the Appellate Court rules in the Armstead case. Petitioner requests an additional 180 day stay in this matter until August 25, 1996.

Petitioner's request to extend the stay in this matter is granted. Petitioner shall file another status report with the Clerk of the Board on or before August 11, 1996. Such status report and all future status reports shall be directed to the assigned hearing officer for

consideration. The stay in this matter is extended until August 25, 1996. If the Appellate Court makes a decision in Armstead, petitioner shall promptly report the 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 March, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board