

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1995

EFFINGHAM TIRE CENTER, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 96-58  
 ) (UST Fund)  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD:

By order of September 21, 1995, pursuant to P.A. 88-690, the Board granted Effingham Tire Center (Effingham) an extension of time through December 14, 1995 in which to file an appeal of a August 10, 1995 Illinois Environmental Protection Agency (Agency) UST final reimbursement determination. On December 15, 1995, the Board received Effingham's petition for review regarding its facility, located at 1601 west Fayette Avenue, Effingham, Effingham County, Illinois. This matter is accepted for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices. 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. Absent any future waivers of the decision deadline, the statutory decision deadline is now April 13, 1996 (120 days from December 15, 1995); the Board meeting immediately preceding the due date is scheduled for April 18, 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. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record

of the reimbursement application within 14 days of notice of the petition.

This order will not appear in the Board's opinion volumes.

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 20<sup>th</sup> day of December, 1995, by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board