ILLINOIS POLLUTION CONTROL BOARD March 7, 1996

BUTTERICK COMPANY,)	
)	
Petitioner,)	
)	
V.)	PCB 96-141
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.		

ORDER OF THE BOARD:

On December 27, 1995, the Illinois Environmental Protection Agency (Agency) and the Butterick Company (Butterick) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to a November 10, 1996 Agency decision. On February 20, 1996, the Board received Butterick's petition for review regarding its facility located at 5400 West 35th Street, Chicago, Cook County, Illinois. The petition was postmarked February 14, 1996, the last day for filing as established in the Board's order of January 4, 1996. On March 7, 1996, Butterick filed an open wavier of the decision deadline date. This matter is accepted for hearing.

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.

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 bove order was adopted on the 1th day of march, 1996, by a vote of
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board