

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1995

TOWN & COUNTRY GAS &)
FOOD MART, INC.,)
)
Petitioner,)
)
v.) PCB 95-97
) (Variance-Air)
)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD:

On March 14, 1995, Town & Country Gas & Food Mart, Inc. (Town & Country) filed a petition for variance regarding its gasoline dispensing facility located at 10007 South Michigan, Chicago, Cook County, Illinois. This facility is located in the Chicago ozone nonattainment area.

Town and Country has not requested or waived hearing in its petition. However, hearing must be held as granting of the variance could cause a modification of the State Implementation Plan for ozone and federal public participation requirements must accordingly be met.

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 hearing, 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

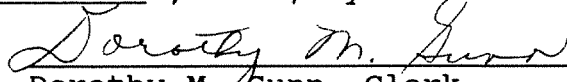
decision deadline, the statutory decision deadline is now July 12, 1995 (120 days from March 14, 1995); the Board meeting immediately preceding the due date is scheduled for June 15, 1995.

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 104.180) require the Agency to file its recommendation for disposition of the petition within 30 days of filing 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 16th day of March, 1995, by a vote of 7-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board