

ILLINOIS POLLUTION CONTROL BOARD
February 23, 1995

FORREST WILLIAMS,)
d/b/a WILLIAMS MOBIL,)
)
Petitioner,)
)
v.) PCB 95-57
) (UST-Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

FORREST WILLIAMS,)
d/b/a WILLIAMS MOBIL,)
)
Petitioner,)
)
v.) PCB 95-58
) (UST Appeal)
ILLINOIS ENVIRONMENTAL) (Consolidated)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD:

On February 17, 1995, in PCB 95-57, Forrest Williams d/b/a Williams Mobil (Williams Mobil) filed a petition for review of an Illinois Environmental Protection Agency (Agency) disapproval of Williams Mobil's Leaking Underground Storage Tank Site Classification and Corrective Action Report. The Agency disapproved Williams Mobil's Leaking Underground Storage Tank Site Classification and Completion Plan Report on January 27, 1995. The final determination concerns Williams Mobil's facility located at 3424 Sheridan Road, Zion, Lake County, Illinois. This matter is accepted for hearing.

On February 17, 1995, in PCB 95-58, Forrest Williams d/b/a Williams Mobil (Williams Mobil) filed a petition for review of an Illinois Environmental Protection Agency (Agency) disapproval of Williams Mobil's Leaking Underground Storage Tank Soil Classification and Groundwater Investigation Plan. The Agency disapproved Williams Mobil's Leaking Underground Storage Tank Soil Classification and Groundwater Investigation Plan on January 27, 1995. The final determination concerns Williams Mobil's facility located at 3424 Sheridan Road, Zion, Lake County, Illinois. This matter is accepted for hearing.

The Board on its own motion consolidates these cases which

involve January 27, 1995 Agency decisions concerning the same site. The Board will reserve ruling on the motions to stay in each case, as the time for Agency response has not yet run.

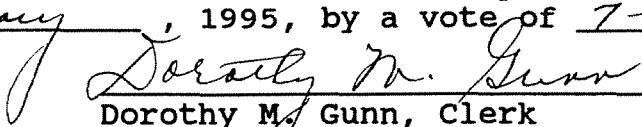
The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The 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 June 17, 1995 (120 days from February 17, 1995); the Board meeting immediately preceding the decision deadline 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 105.102) require the Agency to file the entire Agency record of the reimbursement application within 14 days of notice of the petition.

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 23rd day of February, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board