

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

EMRO MARKETING COMPANY,)
)
Petitioner,)
)
v.) PCB 93-122
) (UST Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by E. Dunham):

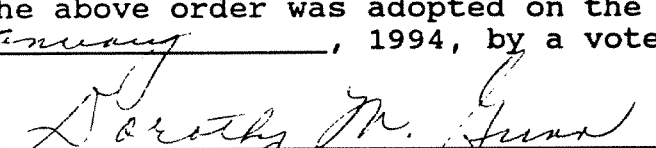
On October 1, 1993, EMRO Marketing Company (EMRO) and the Illinois Environmental Protection Agency (Agency) filed a joint status report. The status report notes that the parties have met to discuss resolution of this matter. The parties believe that settlement is possible. Accordingly, the parties have postponed setting a date for hearing. EMRO has filed a waiver of the decision deadline until June 16, 1994. The parties requested that no hearing be set in this matter until late December 1993.

If this case is not dismissed or otherwise resolved by February 16, 1994, and a hearing is required, an additional waiver of the statutory decision deadline should be filed. The Board requires a minimum of 120 days in which to schedule hearing, give public notice, establish a briefing schedule, receive and review the transcript and fully deliberate on the matter. The Board notes that this time frame presents a tight schedule for completion of all matters before the Board and only provides the Board a short period to deliberate on the matter. Therefore, whenever possible additional time should be allowed. Under the present time constraints imposed by the statutory deadline, the hearing officer, prior to February 16, 1994, must set the date for the hearing.

The parties are directed to file a status report with the Board on or before February 4, 1994. An additional waiver of the decision deadline should accompany the status report, if the parties are not ready to proceed to hearing at that time.

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 6th day of January, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board