

ILLINOIS POLLUTION CONTROL BOARD  
June 23, 1994

EDWARDS-ETHERTON OIL COMPANY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 92-168  
 ) (UST Fund)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by C. A. Manning):

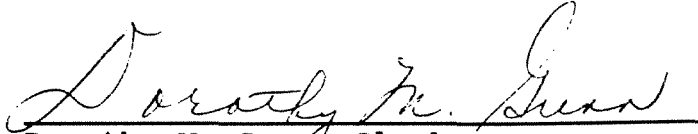
This matter is before the Board on petitioner's November 4, 1992 appeal of the Illinois Environmental Protection Agency's (Agency) decision to deny reimbursement of corrective action costs. On January 15, 1993, petitioner filed a motion to continue the hearing and final decision pending the Board's decision in State Bank of Whittington v. Illinois Environmental Protection Agency, (June 3, 1993), PCB 92-152. An open waiver of its right to final Board action as provided for in Section 40 of the Environmental Protection Act was also filed. (415 ILCS 5/40 (1993)). The Board granted the stay of proceedings as requested on January 21, 1993, until June 3, 1993.

The Board decided State Bank of Whittington on June 3, 1993. On November 4, 1993, the Board directed the petitioner to submit to the Board and Hearing Officer a status report by February 3, 1994. On February 8, 1994, the petitioner filed a status report. The status report states that there are issues raised that are in controversy in addition to those raised in State Bank of Whittington, and that the parties are engaged in discussions which may lead to resolution in this matter. The petitioner and respondent make the request to submit a subsequent status report to the Board within 90 days. The Board accepted the status report and directs the parties to file an updated status report on or before May 27, 1994. Petitioner filed a status report on June 1, 1994. The status report states that the petitioner and the respondent are still engaged in discussions which may lead to resolution of this matter.

The Board accepts petitioner's status report on behalf of the parties and directs the parties to file an updated status report on or before September 30, 1994.

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 23<sup>rd</sup> day of June, 1994, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board