

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1994

GRAYSLAKE FEED SALES, INC./)
OUTDOOR POWER EQUIPMENT,)
)
Petitioner,)
)
v.) PCB 94-126
) (UST Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by M. McFawn):

On April 19, 1994, Grayslake Feed Sales, Inc./Outdoor Power Equipment (Grayslake) filed a petition for review of the Illinois Environmental Protection Agency (Agency) final Underground Storage Tank Fund reimbursement decision. In an order dated April 21, 1994, the Board found that the petition was deficient, in that it did not contain information which would enable the Board to determine whether the petition was timely filed. The Board directed Grayslake to file an amended petition to correct the deficiency.

On June 1, 1994, Grayslake filed an amended petition which contains the required information. Accordingly, the Board determines that this petition is timely filed, and the matter is accepted for hearing. The filing of the amended petition restarts the Board's decision timeclock, with the actual decision date now calculated as September 29, 1994. Accordingly, unless the decision deadline is waived by petitioners, the Board would anticipate reaching a decision at its regularly scheduled meeting of September 15, 1994.

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 Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

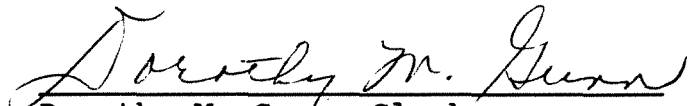
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses 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. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit 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 June, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board