

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1994

ROBERT SCHWAKE)
STONE COMPANY, INC.,)
)
Petitioner,)
)
v.) PCB 94-137
) (UST Fund)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by M. McFawn):

On April 26, 1994, Robert Schwake Stone Company, Inc. filed a petition for review of an Illinois Environmental Protection Agency (Agency) final reimbursement determination from the Underground Storage Tank Fund. In an order dated May 5, 1994, the Board found that the petition was deficient, in that petitioners did not include proof of service on the Agency. The Board directed petitioners to file an amended petition to correct the deficiency.

On June 9, 1994, petitioner amended its petition by submitting the necessary proof of service. Accordingly, this matter is accepted for hearing. The filing of the amended petition would usually restart the Board's decision timeclock. In this case, petitioners filed an open waiver of the decision deadline on May 20, 1994. The Agency filed the record in this case on May 19, 1994.

Hearing is to be scheduled and completed in a timely manner. 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.

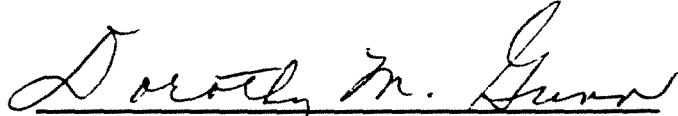
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses 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.

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.

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