

ILLINOIS POLLUTION CONTROL BOARD

May 5, 1994

ELMHURST-CHICAGO)
STONE COMPANY,)
)
Petitioner,)
)
v.) PCB 94-136
) (UST Fund)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

ORDER OF THE BOARD:

On April 26, 1994, Elmhurst-Chicago Stone Company filed a petition for review of an Illinois Environmental Protection Agency ("Agency") final Underground Storage Tank Fund reimbursement decision. The Agency issued an invoice voucher on March 23, 1994 accompanied by Attachment A which contains the stated reasons for deductions. The final reimbursement check was issued by the Comptroller dated April 5, 1994. On April 12, 1994 the Agency issued a letter with a revised Attachment A, amending the final decision of March 23, 1994. This appeal challenges the Agency's reimbursement deductions originally set out in the March 23, 1994 voucher and the Agency's reconsidered items set out in the April 12, 1994 letter. The reimbursement determination concerns Elmhurst-Chicago Stone Company's site located at 28 West 101 Warrenville Road, Warrenville, DuPage County, Illinois. This matter is accepted for hearing.

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

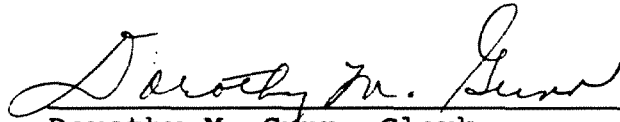
or deferred decision deadline. In this case, the statutory decision deadline is August 24, 1994; therefore the decision due date is August 11, 1994.

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.

This order will not appear in the Board's opinion volumes.

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 5th day of May, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board