

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1992

WEYERHAUSER CO.,)	
)	
Petitioner,)	
)	
v.)	PCB 92-105
)	(Underground Storage Tank Fund
)	Reimbursement Determination)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on a September 3, 1992 motion by Weyerhaeuser Company (Petitioner) to stay the proceedings. The purpose of this motion is to stay the proceedings until a final decision by the Illinois Office of the State Fire Marshal ("OSFM") is rendered determining the registration status of the UST in question. As the petitioner points out in its motion, the registration status of the UST is a central factual issue in this appeal. In addition, it is also possible that the OSFM determination will render this appeal moot.

In its motion, Petitioner also asserts that the Agency authorized the Petitioner to state that the Agency is not opposed to the granting of this motion. The Board believes that granting this motion will not result in any prejudice to the Agency.

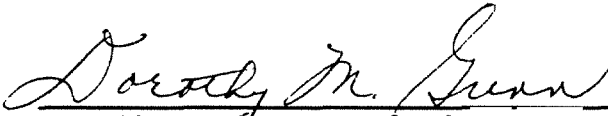
Petitioner has moved the Board to stay the proceedings until 30 days after the conclusion of any appeal of the decision of the OSFM. As the Board does not favor indeterminate stays, the Board will grant the stay for 120 days with the understanding that the Petitioner shall file a status report at that time and may move the Board for an additional stay if necessary. The Board also notes at this time, that on September 3, 1992, pursuant to 35 Ill. Ad. Code 101.105 the Petitioner waived its right to final Board action on this matter as provided for in section 40 of the Act. Ill. Rev. Stat. ch. 111 1/2 par. 1040 (1991).

Petitioner's motion to stay the proceedings is hereby granted for 120 days through January 17, 1993; at that time petitioner shall file a status report which includes an estimated date for termination of this action.

IT IS SO ORDERED.

0136-0069

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of September, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0136-0070