

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1997

JAMES FISHER AND HOLLY FISHER,)	
)	
Petitioners,)	
)	
v.)	PCB 98-40
)	(UST - Fund)
ILLINOIS ENVIRONMENTAL)	PCB 98-41
PROTECTION AGENCY,)	(UST - Fund)
)	(Consolidated)
Respondent.)	

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

On September 15, 1997, James Fisher and Holly Fisher (petitioners) filed two petitions for review of two Illinois Environmental Protection Agency (Agency) final reimbursement determinations from the Underground Storage Tank Fund. The petitions were assigned docket numbers PCB 98-40 and PCB 98-41. The Agency issued the final reimbursement decisions on July 23, 1997, accompanied by Attachment A which contains the stated reasons for deductions. The final determinations concern petitioners' site located at 723 Main Street, Carlinville, Macoupin County, Illinois. As each of these appeals involve the same incident and site, the Board on its own motion consolidates these cases. 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. (Petitioners may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105.) The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

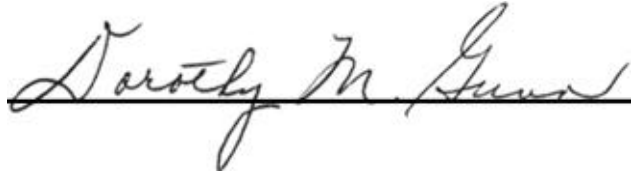
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that a 21-day public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility 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. Absent any future waivers of the decision deadline, the statutory decision deadline is now January 13, 1998 (120 days from September 15, 1997); the Board meeting immediately preceding the decision deadline is scheduled for December 18, 1997.

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 reimbursement applications 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 18th day of September 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board