

ILLINOIS POLLUTION CONTROL BOARD
December 18, 2003

ILLINOIS AYERS OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 03-214
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

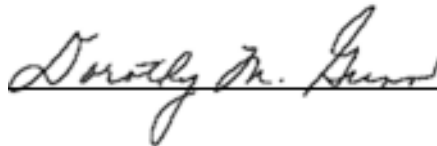
On December 8, 2003, petitioner filed a motion for interlocutory appeal and expedited review of an emergency motion to stay. Specifically, petitioner asks that the Board overrule a December 2, 2003 hearing officer order denying petitioner's motion to compel discovery. On December 15, 2003, the Illinois Environmental Protection Agency filed a response to the motion. The Board will grant the motion for interlocutory appeal.

The Board has reviewed the December 2, 2003 hearing officer order and the arguments set forth by the parties. The Board finds nothing in the arguments to warrant overruling the hearing officer. Therefore, the Board affirms the December 2, 2003 hearing officer order.

IT IS SO ORDERED.

Board Member T.E. Johnson dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 18, 2003, by a vote of 4-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board