

ILLINOIS POLLUTION CONTROL BOARD  
July 8, 1998

JACK DONELSON SALES COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 98-118
	)	(UST - Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Yi):

On March 17, 1998, the Illinois Environmental Protection Agency (Agency) and Jack Donelson Sales Company (Donelson) filed a request for extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act (Act) (415 ILCS 5/40(a)(1) (1996)), relating to a February 9, 1998, Agency determination. The final determination concerns Donelson's facility located at 3050 Central Avenue, Waukegan, Lake County, Illinois.

On May 13, 1998, Donelson filed a petition for review. On May 21, 1998, the Board issued an order granting Donelson 30 days in which to retain an attorney and for that attorney to file an amended petition. The Board noted that if an amended petition and attorney's appearance is not filed on or before June 20, 1998, the matter would be dismissed. On June 18, 1998, Donelson filed an amended petition for review complying with the Board order of May 13, 1998. 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 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.

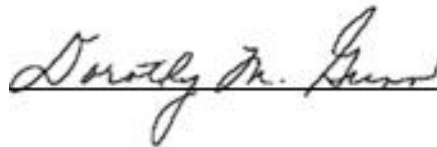
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that a 21-day public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility 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 October 16, 1998 (120 days from June 18, 1998); the Board meeting immediately preceding the decision deadline is scheduled for October 15, 1998.

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 application 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 8th day of July 1998 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board