

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1995

EDWARDS-ETHERTON OIL COMPANY,)
)
 Petitioner,)
)
 v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

PCB 92-168
(UST Fund)

ORDER OF THE BOARD (by J. Yi):

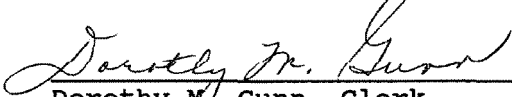
This matter is before the Board on petitioner's November 4, 1992 appeal of the Illinois Environmental Protection Agency's (Agency) decision to deny reimbursement of corrective action costs. On October 16, 1995, petitioner filed an updated status report pursuant to the Board's May 11, 1995 order. Petitioner has filed an open waiver in this matter so there is no statutory decision deadline pursuant to Section 40 of the Environmental Protection Act. (415 ILCS 5/40 (1994)). Petitioner requested and was granted a stay in this matter pending the outcome of the State Bank of Whittington v. Illinois Environmental Protection Agency, (June 3, 1993), PCB 92-152, due to related issues. Petitioner has stated in the last three status reports, since the decision in State Bank of Whittington, that there are issues remaining in controversy in addition to those raised in State Bank of Whittington. The remaining issues involve civil litigation in which the Agency is not a party and are pertinent to resolution of this matter. This status report states that Petitioner and counsel for the Agency are continuing in discussions which may lead to resolution. Petitioner requests an additional 90 days to file an updated status report. Petitioner makes this request in order to conserve resources of the parties.

The Board accepts petitioner's status report on behalf of the parties and directs the parties to file an updated status report on or before January 19, 1996 which includes any pertinent information on the status of the related civil litigation and an estimation of when this matter will be resolved.

IT IS SO ORDERED.

Board member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19th day of October, 1995, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board