

ILLINOIS POLLUTION CONTROL BOARD

May 15, 1997

|                             |   |                |
|-----------------------------|---|----------------|
| SWEARINGIN SERVICES, INC.,  | ) |                |
| (Period from May 1, 1995 to | ) |                |
| May 31, 1995),              | ) |                |
|                             | ) |                |
| Petitioner,                 | ) |                |
|                             | ) |                |
| v.                          | ) | PCB 97-164     |
|                             | ) | (UST - Appeal) |
| ILLINOIS ENVIRONMENTAL      | ) |                |
| PROTECTION AGENCY,          | ) |                |
|                             | ) |                |
| Respondent.                 | ) |                |

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

On March 19, 1997 the Illinois Environmental Protection Agency (Agency) and Swearingin Services, Inc. (Swearingin) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act (415 ILCS 5/40 (1994)). The Agency issued a final decision on February 11, 1997, accompanied by Attachment A which contained the stated reasons for deductions. The final determination concerns Swearingin's site located at 503 South State Street, Jerseyville, Jersey County, Illinois. 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.

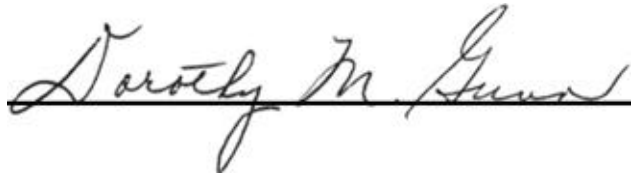
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that a 21-day public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility 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 September 11, 1997 (120 days from May 14, 1997); the Board meeting immediately preceding the decision deadline is scheduled for September 4, 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 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 15<sup>th</sup> day of May, 1997, by a vote of 6-0.

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