

ILLINOIS POLLUTION CONTROL BOARD
September 4, 1997

FEDERAL STREET CONSTRUCTION)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 98-11
)	(UST - Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 8, 1997, Federal Street Construction Company (petitioner) filed a request for extension of the 35-day appeal period pursuant to Section 40(a)(1) of the Environmental Protection Act (415 ILCS 5/40(a)(1) (1996)), relating to a June 3, 1997 Illinois Environmental Protection Agency (Agency) determination. On July 9, 1997, the Agency filed its concurrence and a joint request for extension of the 35-day appeal period. The Agency requested the extension "to September 1, 1997, or any other date not more than a total of 90 days from the date of the Agency's final determination." On September 2, 1997, the Board received petitioner's petition for review.¹ The final determination concerns petitioner's site located at 655 Seegers Road, Des Plaines, Cook 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. (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

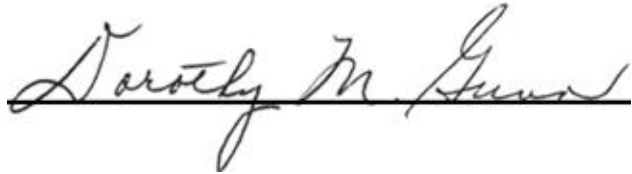
¹ September 1, 1997 was a State holiday.

deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now January 1, 1998 (120 days from September 2, 1997); the Board meeting immediately preceding the decision deadline is scheduled for December 18, 1997.²

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 its review of the Corrective Action Completion Report 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 4th day of September 1997, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

² Because January 1, 1998 is a State holiday the statutory decision deadline date will be the next business day, January 2, 1998.