

ILLINOIS POLLUTION CONTROL BOARD

April 17, 1997

KWP PARTNERSHIP,)	
)	
Petitioner,)	
)	
v.)	PCB 97-173
)	(UST - Eligibility)
OFFICE OF THE STATE FIRE MARSHAL,)	
)	
Respondent.)	

ORDER OF THE BOARD (by K.M. Hennessey):

On April 2, 1997, KWP Partnership filed a petition for review of an Office of the State Fire Marshal (OSFM) final determination regarding eligibility for reimbursement from the Underground Storage Tank Fund (UST Fund). The OSFM made a final decision in its letter of March 11, 1997, denying eligibility to receive reimbursement from the UST Fund and stating the reasons therefor. The final determination concerns KWP Partnership's site located at 1510 West Fayette, Effingham, Effingham County, Illinois. This matter is accepted for hearing.

The hearing must be scheduled and completed in a timely manner. 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 the 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 5 days of the hearing.

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.

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 _____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board