

ILLINOIS POLLUTION CONTROL BOARD
September 9, 1993

CONNECTICUT MUTUAL LIFE)
INSURANCE CO.,)
)
Petitioner,)
)
v.) PCB 93-165
) (UST Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

On September 3, 1993 petitioner Connecticut Mutual Life Insurance Co. filed a petition for review of an Underground Storage Tank reimbursement determination. This matter is accepted for hearing.

The Illinois Environmental Protection Agency (Agency) found that petitioner was not eligible for reimbursement from the UST Fund because the Office of the State Fire Marshal (OSFM) had indicated that the tanks are not registered. Petitioner states that it is currently completing the necessary information to register the tanks, and believes that upon that registration, it will meet the requirements for reimbursement from the Fund and the instant appeal will be withdrawn. Petitioner states that it filed this petition for review in order to protect its right to appeal, and that upon registration of the tanks with OSFM petitioner will resubmit its application to the Agency. Petitioner then concludes that it "is waiving its right to a hearing within 90 days." (Pet. at 2.)

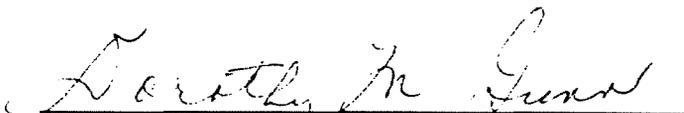
The Board initially notes that we construe petitioner's statement that it waives its right to "a hearing within 90 days" as an open waiver of the Board's decision deadline.¹ If petitioner disagrees with this statement, it must notify the Board within 14 days of the date of this order that it did not intend to grant an open waiver of the decision deadline. Although petitioner did not formally request a stay of this proceeding, the Board will not force the case to hearing at this time. The parties are ordered to file status reports to keep the Board informed of the progress of this case. The first status report shall be filed with the Board on or before December 10,

¹ We also note that Section 40 of the Environmental Protection Act establishes a 120-day, not 90-day, decision deadline. (415 ILCS 5/40 (1992).)

1993. Subsequent status reports shall be filed every 90 days thereafter, or sooner if circumstances warrant. Based on these status reports the Board will set the matter for hearing or take other appropriate action.

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 9th day of September, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board