

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1993

SPRAYING SYSTEMS CO.,)
)
 Petitioner,)
)
 v.) PCB 90-215
) (Permit Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by E. Dunham):

On December 10, 1993, Spraying Systems Company (SSC) and the Illinois Environmental Protection Agency (Agency) filed a Joint Status Report pursuant to the Board's order of September 7, 1993. The report states that this matter involves an appeal by SSC of certain conditions contained in Agency's Closure Plan approval with respect to two drum storage areas and an underground waste oil storage tank at SSC's Wheaton, Illinois facility. On August 3, 1992, SSC submitted to the Agency a proposed RCRA Closure Work Plan for additional subsurface investigation at the site. The Agency reviewed the work plan, and provided its comments to SSC on April 1, 1993.

On April 22, 1993, SSC met with the Agency in Springfield to discuss the proposed work plan. As a result of these discussions, the work plan was ultimately approved by the Agency in May, 1993. The report states that through its consultant, Geraghty & Miller, SSC has completed the activities described in the work plan. After completing the required analysis, SSC has submitted a plan to the Agency.

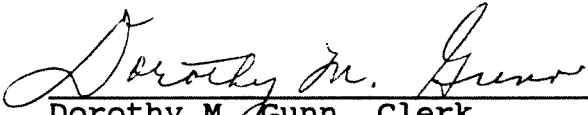
The parties state that they remain desirous of settling this appeal. SSC awaits a proposal from the Agency regarding a means for resolving this matter. Under these circumstances, the parties continue to be optimistic about the prospects for settlement of most, if not all, of the issues pending in this appeal.

The Board notes that SSC has granted a waiver of the decision deadline to and including July 30, 1994. If this case is not dismissed or otherwise resolved by April 1, 1994, and a hearing is required, an additional waiver of the statutory decision deadline should be filed. The Board requires 120 days in which to schedule hearing, give public notice, establish a briefing schedule, receive and review the transcript and fully deliberate on the matter. Under such time constraints, the Board will be required to set this matter for hearing sometime in April if an additional waiver of the decision deadline is not filed.

The parties are directed to file a revised status report on or before March 21, 1994.

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 16th day of December, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board