

ILLINOIS POLLUTION CONTROL BOARD
May 20, 1993

WEYERHAUSER CO.,)
)
Petitioner,)
)
v.) PCB 92-105
) (UST Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

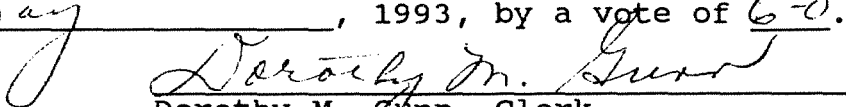
This matter comes before the Board on a May 11, 1993, a status report and motion to continue stay in this matter filed by Weyerhauser. Weyerhauser reports that it has a simultaneous appeal before the Office of the State Fire Marshal (OSFM) regarding the registration status of on of its underground storage tanks involved in this appeal. Currently, the OSFM is deferring any decision on Weyerhauser's appeal pending the outcome of Board of Education, Community Consolidated School Dist. No. 15 v. Armstead, No. 92-4145 (Ill. App. Ct., 1st Dist.), an appellate case which raises the same issues as those in Weyerhauser's appeal.

Weyerhauser asks that the Board extend the stay in this matter for an additional 180 days until after the appellate court decides the Armstead case. Weyerhauser states that when the appealed case is decided it will inform the Board and seek to compel the OSFM to render a decision in its appeal. The Board notes that on September 3, 1992, Weyerhauser filed an open waiver of its right to final Board action on this matter as provided for in Section 40 of the Environmental Protection Act. (415 ICLS 5/40 (1992).)

Weyerhauser's motion to stay the proceedings is hereby granted for 120 days through September 17, 1993; at that time Weyerhauser shall file a status report which includes an estimated date for termination of this action. If the OSFM renders a final decision before September 17, 1993, Weyerhauser shall promptly report that fact to the Board.

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 20th day of May, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0142-0529