

ILLINOIS POLLUTION CONTROL BOARD
September 23, 1993

REICHHOLD CHEMICALS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 92-165
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

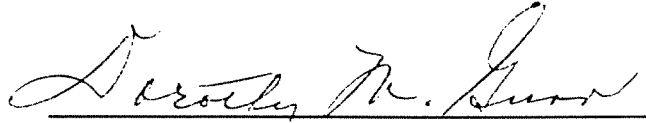
ORDER OF THE BOARD (by B. Forcade):

On September 16, 1993, Reichhold Chemicals, Inc., filed a status report in accordance with the Board's order of July 1, 1993, and a motion to stay proceedings. The Board originally, on December 3, 1992, granted the petitioner a stay pending the decision of the Illinois Office of State Fire Marshal (OSFM) decision regarding the registration status of the underground storage tank involved in this proceeding. The Board has subsequently granted additional motions staying the proceeding in this matter until September 24, 1993. As reported in the petitioner's previous status report, the OSFM has deferred making a decision in the matter pending the outcome of Board of Education, Community Consolidated School Dist. No. 15 v. Armstead, No. 91 CH 4963, which involves similar issues as in this matter. A decision in this matter was issued on September 11, 1992 upholding the arguments made by the petitioner. The OSFM has appealed the decision of the Circuit Court in Board of Education, Community Consolidated School Dist. No. 15 v. Armstead, No. 92-4145 (Ill. App. Ct., 1st Dist.). The OSFM has stated that it does not plan to take action until the Appellate Court rules in Armstead. Petitioner is requesting an extension of the stay for an additional 120 days pending the decision on appeal.

Petitioner's motion to extend the stay of proceedings in this matter is hereby granted for 120 days, through January 22, 1994. Reichhold has also waived the decision deadline in this matter until May 25, 1994. The petitioner shall file an additional status report on January 10, 1994. The Board notes that the status report is due 135 days prior to the current decision deadline. Therefore, the status report must include a definite schedule for completion of this matter within the decision deadline or petitioner must provide an appropriate waiver of the decision deadline. If OSFM renders a final decision before January 10, 1994, petitioner 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 23rd day of September, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board