

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

LINDSAY-KLEIN CHEVROLET, INC.)	
d/b/a CHUCK LINDSAY CHEVROLET-)	
OLDS, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 93-255
)	(UST Fund)
OFFICE OF THE ILLINOIS STATE)	
FIRE MARSHAL,)	
)	
Respondent.)	

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

On December 16, 1993, Lindsay-Klein Chevrolet, Inc. d/b/a Chuck Linsay Chevrolet-Olds, Inc. ("Lindsay") filed a petition for review of an eligibility determination to access Illinois' Underground Storage Tank Fund made by the Office of the Illinois State Fire Marshal pursuant to 57.9(c) of the Act (415 ILCS 5/57.9(c)(1993)¹). The eligibility determination concerns Lindsay's site located at 627 Lincolnway East, Morrison, Illinois. This matter is hereby accepted for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline or the waiver provisions of 35 Ill. Adm. Code 101.105. The Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice 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 five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. In this case, pursuant to Section 40 (a)(2) of the Act, the statutory decision deadline is April 16, 1994; therefore, the

¹P.A. 88-460 became effective on September 13, 1993. P.A. 88-40 substantially amends the Environmental Protection Act repealing Sections 22.13, 22.18, 22.18b and 22.18c, and adopts new Title XVI, and specifically, new Section 57.

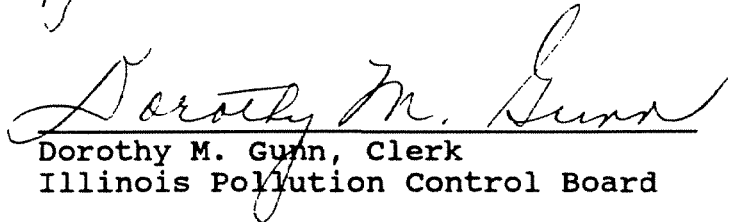
decision due date is March 31, 1994.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after attempting to do so, the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the above schedule. The hearing officer and the parties are encouraged to expedite this proceeding to the extent possible.

This order will not appear in the Board's opinion volumes.

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 5th day of January, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board