

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1994

R. P. LUMBER COMPANY, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 94-184
)	(UST Fund)
OFFICE OF THE STATE FIRE)	
MARSHAL,)	
)	
Respondent.)	

ORDER OF THE BOARD:

On June 27, 1994, R. P. Lumber Company, Inc. filed a petition for review of an Office of the State Fire Marshal ("OSFM") final reimbursement determination from the Underground Storage Tank Fund. The OSFM issued a final reimbursement decision on May 20, 1994, which contains the stated reasons for deductions. The final determination concerns R. P. Lumber Company, Inc.'s site located at 514 E. Vandalia, Edwardsville, Madison, County, Illinois. This matter is 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 decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 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 of hearing 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. Absent any future waivers of the decision deadline, the statutory decision deadline is now October 25, 1994 (120 days from June 27, 1994); the Board meeting immediately preceding the due date is scheduled for October 20, 1994.

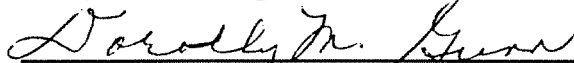
If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an

attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the reimbursement application within 14 days of notice of the petition.

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 ~~30th~~ day of June, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board