

MAY 13 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
May 13, 2004

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R04-22
REGULATION OF PETROLEUM LEAKING) (UST Rulemaking)
UNDERGROUND STORAGE TANKS (35)
ILL. ADM. CODE 732)

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R04-23
REGULATION OF PETROLEUM LEAKING) (UST Rulemaking)
UNDERGROUND STORAGE TANKS (35) Consolidated
ILL. ADM. CODE 734)

HEARING OFFICER ORDER

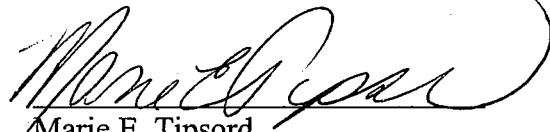
On May 11, 2004, Professionals of Illinois for the Protection of the Environment (PIPE) filed a motion for extension of time to file prefile testimony. In the motion, PIPE notes that PIPE has filed extensive questions and responded to an Illinois Environmental Protection Agency (Agency) motion for emergency rulemaking in this proceeding. PIPE states that the preparation of the questions and responses took time away from preparation of testimony and PIPE needs additional time to prepare the testimony. PIPE also states that the questions submitted require specific responses from the Agency, which could require comment from PIPE in its testimony. Lastly PIPE opines that, given the nature of the questions prefiled for the Agency, it is likely that the May 25 and 26 hearing days will be consumed with the Agency's testimony. Based on these factors, PIPE asks that the prefiled testimony deadline be extended.

Given the volume of questions prefiled for the Agency, the two days of hearing currently scheduled will in all probability be devoted to the Agency's responses to the prefiled questions. Thus, additional hearing dates will be necessary and participants should be prepared on May 26, 2004, to set additional hearing dates. PIPE's motion for extension of time is granted and on May 26, 2004, additional dates for the pre-filing of testimony will be set.

The Board has received prefiled testimony from CW³M Company and Daniel Goodwin of SECOR International, Incorporated. CW³M Company's testimony is over 80 pages plus attachments and Mr. Goodwin has prefiled over 20 pages with attachments. Because the May 25 and 26 hearings will almost definitely be devoted to the Agency's responses to questions, the prefiled testimony of CW³M Company and Mr. Goodwin will not be heard on May 25 or 26. CW³M Company and Mr. Goodwin will be the first testifiers when the Board is ready to proceed with testimony from the participants at the additional hearings to be scheduled.

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us.

IT IS SO ORDERED.



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