

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1995

FREIGHTLINER OF)
CHICAGO, INC.,)
)
Petitioner,)
)
v.) PCB 96-28
) (UST Fund)
)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by E. Dunham):

By order of August 3, 1995, pursuant to P.A. 88-690, the Board granted Freightliner of Chicago, Inc. (Freightliner) an extension of time through November 2, 1995 in which to file an appeal of a June 30, 1995 Illinois Environmental Protection Agency (Agency) UST final reimbursement determination. On October 19, 1995, Freightliner filed a petition for review and a request for an open wavier of the statutory decision deadline, regarding its facility, located at 776 York Road, Elmhurst, DuPage County, Illinois. This matter is accepted for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

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.

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 _____ day of _____, 1995, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board