

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1994

PRODUCE WAGON, INC.)
)
 Petitioner,)
)
 v.) PCB 94-61
) (UST Fund)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On February 14, 1994, Produce Wagon, Inc. ("Produce Wagon") filed a petition for review of an Illinois Environmental Protection Agency ("Agency") deductible determination and final reimbursement decision from the Underground Storage Tank Fund. The Agency issued a final reimbursement decision on January 25, 1994, which contains in Attachment A, the stated reasons for deductions. The letter also includes a final determination as to deductibility. The final determination concerns Produce Wagon's site located at 3601 Constitution Drive, Springfield, 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 June 14, 1994; therefore, the decision due date is June 2, 1994.

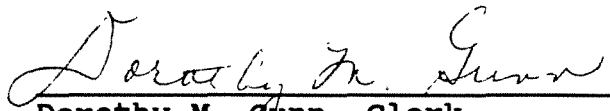
If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after attempting to do so, the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing

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 17th day of February, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board