

ILLINOIS POLLUTION CONTROL BOARD
May 11, 1995

EDWARDS-ETHERTON OIL COMPANY,)
)
Petitioner,)
)
v.) PCB 92-168
) (UST Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Yi):

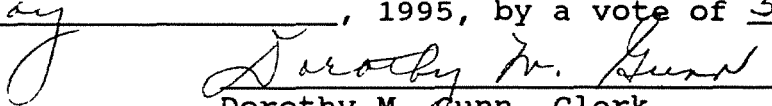
This matter is before the Board on petitioner's November 4, 1992 appeal of the Illinois Environmental Protection Agency's (Agency) decision to deny reimbursement of corrective action costs. This matter was accepted for hearing.

On May 9, 1995 petitioner filed an updated status report pursuant to the Board's February 2, 1995 order. Petitioner has filed an open waiver of it's right to final Board action as provided for in Section 40 of the Environmental Protection Act. (415 ILCS 5/40 (1993)). Petitioner requested and was granted a stay in this matter pending the outcome of the State Bank of Whittington v. Illinois Environmental Protection Agency, (June 3, 1993), PCB 92-152, due to related issues. Petitioner has stated in the last two status reports, since the decision in State Bank of Whittington, that there are issues remaining in controversy in addition to those raised in State Bank of Whittington. The remaining issues involve civil litigation in which the Agency is not a party and are pertinent to resolution of this matter. This status report states that Petitioner and counsel for the Agency are continuing in discussions which may lead to resolution. Petitioner requests an additional 90 days to file an updated status report. Petitioner makes this request in order to conserve resources of the parties.

The Board accepts petitioner's status report on behalf of the parties and directs the parties to file an updated status report on or before August 7, 1995.

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 11th day of May, 1995, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board