

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1993

EDWARDS-ETHERTON OIL COMPANY, INC.,))
) Petitioner,))
) v.)) PCB 92-168
))) (Underground Storage
))) Tank Reimbursement
))) Determination)
ILLINOIS ENVIRONMENTAL))
PROTECTION AGENCY,))
)))
) Respondent.))

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on petitioner's November 4, 1992, appeal of the Agency's decision to deny reimbursement of corrective action costs. On January 15, 1993, petitioner filed a motion to continue the hearing and final decision, and an open waiver of its right to final Board action as provided for in Section 40 of the Environmental Protection Act (Ill. Rev. Stat. ch. 111 1/2 par. 1040 (1991)). Petitioner indicates that the Agency supports the motion to continue.

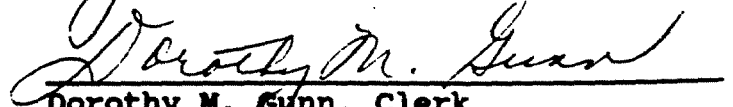
Petitioner asserts that the issues raised in State Bank of Whittington, PCB 92-152, are substantially similar to those in the instant matter. Therefore, petitioner requests a continuance pending the outcome of that case. The decision date in State Bank of Whittington has been waived until May 20, 1993. In addition, petitioner asserts that the parties are currently involved in negotiations concerning issues not at issue in Whittington.

The Board construes the motion to continue as a request for a stay in the proceedings. The Board does not favor open-ended "continuances" or stays of proceedings. Accordingly, the Board hereby orders a stay of proceedings in this matter until June 3, 1993. The parties are directed to confer with the hearing officer during the week of May 24, 1993, after which the hearing officer shall enter an appropriate order designed to bring these proceedings to an expeditious conclusion.

IT IS SO ORDERED.

0138-0461

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 31st day of January, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0138-0462