

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1995

EARLE ARONSON (DON'S GAS)	
FOR LESS),)	
)	
Petitioner,)	
)	
v.)	PCB 96-59
)	(UST-Fund)
OFFICE OF THE STATE FIRE)	
MARSHAL,)	
)	
Respondent.)	

ORDER OF THE BOARD: (by G. T. Girard)

On September 14, 1995, Earle Aronson (Aronson) filed a petition for review of a March 31, 1995 and August 28, 1995 Office of the State Fire Marshal (OSFM) determinations. The final determinations concern Aronson's site located in the City of Geneva, County of Kane, Illinois.

The Board on its own motion strikes that portion of the appeal which purports to challenge the March 31, 1995 OSFM decision, on the grounds that any such appeal is time barred. Section 57.9(c) of the Illinois Environmental Protection Act allows the Board to hear only appeals filed within 35 days of the OSFM's decision. The Board has jurisdiction only to consider the August 28, 1995 decision.

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

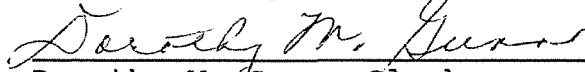
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit a exhibit list, a statement regarding credibility of witnesses 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. The hearing officer and the parties are encouraged to expedite this proceeding as much as 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 October, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board