

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

WEYERHAUSER CO.,)	
)	
Petitioner,)	
)	
v.)	PCB 92-105
)	(UST Reimbursement
ILLINOIS ENVIRONMENTAL)	Determination)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Yi):

The Board in its order of September 1, 1994 directed the petitioner to file a status report on or before January 6, 1995 and extended the stay in this matter until January 12, 1995. On December 30, 1994, Petitioner, Weyerhauser Co., filed a status report in accordance with the Board's order. The Board granted the petitioner a stay pending the decision of the Illinois Office of State Fire Marshal (OSFM) decision regarding the registration status of the underground storage tank (UST) involved in this proceeding. There has been an open waiver filed in this proceeding and as of the date of this order, no hearing has been held in this matter.

As reported in the petitioner's previous status report, the OSFM has deferred making a decision in the matter pending the outcome of Board of Education, Community Consolidated School Dist. No. 15 v. Armstead, No. 91 CH 4963, which involves similar issues as in this matter. Armstead was decided on September 11, 1992 upholding the arguments made by the petitioner. The State has appealed the decision of the Circuit Court in Board of Education, Community Consolidated School Dist. No. 15 v. Armstead, No. 92-4145 (Ill. App. Ct., 1st Dist.). Petitioner's attorney was informed by the Office of the Clerk of the Illinois Appellate Court, First District, that all briefs have been submitted but that the case has not yet been set for oral argument. No further information is available as to when this case may proceed to oral argument. The OSFM has stated that it does not plan to take action until the Appellate Court rules in Armstead. Petitioner requests an additional 180 day stay in this matter until September 10, 1995.

Petitioners request to extend the stay in this matter is granted. Petitioner is directed to file another status report with the Clerk of the Board and the assigned hearing officer in this case on or before August 11, 1995, discussing the progress in this matter. The stay in this matter is extended until August 17, 1995. If the Appellate Court makes a decision in Armstead

petitioner shall promptly report the fact to the Board.

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 January, 1995, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board