

ILLINOIS POLLUTION CONTROL BOARD

May 2, 1996

BUTTERICK COMPANY,)	
)	
Petitioner,)	
)	PCB 96-141
v.)	(UST - Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On April 23, 1996 the Illinois Environmental Protection Agency filed a "Motion for Extension of Time to File Agency Record".

Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Pollution Control Board within 14 days "upon notice of the petition". The Agency states that it received notice of the petition on or about February 14, 1996. The record was therefore due to be filed on February 28, 1996. The Agency requests a grant of extension to any date not less than 21 days prior to hearing.

The Agency claims that no prejudice will attach to Butterick Company if the motion is granted because petitioner is already in possession of the majority of the documents which would constitute the Agency record. The Board received a response from the Butterick Company on April 29, 1996 stating that it does not object to the Agency's request for additional time to file the record. No hearing has yet been set in this matter and the Butterick Company filed an open waiver of the Board's decision deadline. According to the Agency, the parties believe that litigation may be avoided due to discussions leading to a negotiated settlement.

The Board hereby grants the Agency until 30 days prior to the scheduled hearing in this matter to file the complete Agency record.

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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board