

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1994

J. I. CASE COMPANY,)
)
 Petitioner,)
)
 v.) PCB 94-223
) (UST Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. McFawn):

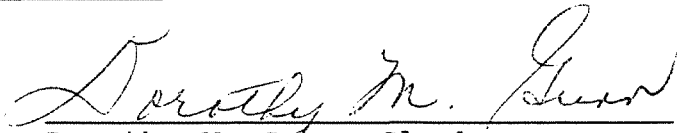
On August 25, 1994, respondent Illinois Environmental Protection Agency (Agency) filed a motion to dismiss this matter, claiming that the Board does not have jurisdiction to hear this appeal. On August 31, 1994, petitioner J. I. Case Company filed a motion for extension of time to respond to the motion to dismiss, with a supporting affidavit. Petitioner seeks an extension until September 12, 1994. Petitioner had previously filed a waiver on August 23, 1994, extending the decision deadline until March 17, 1995.

In support of its motion for extension of time, petitioner's attorney states that the press of other business will prevent him from completing a response to the motion to dismiss by the applicable due date. Petitioner also states that respondent does not object to the grant of the requested extension.

The request for an extension of time until September 12, 1994 to file a response to the motion to dismiss is hereby granted. The Board expresses no opinion on the merits of the motion to dismiss at this time. The Board notes that it received petitioner's response to the motion to dismiss on September 12, 1994.

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 15th day of September, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board