

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1993

ETHYL PETROLEUM ADDITIVES,)
INC.,)
)
Petitioner,)
)
v.) PCB 92-61
) (Permit Appeal)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

This appeal was filed on April 23, 1992. The last action taken in this matter was the Board's order of September 17, 1992 granting the Agency's third request for extension of time in which to file its record. The record, due October 31, 1992, has not been filed.

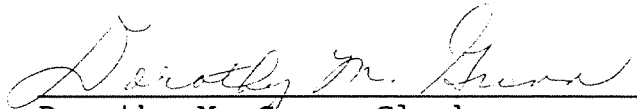
On March 26, 1993, the parties filed a status report. The report recites that, since the filing of the petition, the respondent has filed several motions for extension of time to file the Agency record in this matter, citing to on-going negotiations between the respondent and petitioner. Petitioner and respondent also report that they continue to be engaged in very serious negotiations which may lead to the resolution of matters in controversy in this appeal. Petitioner is in the process of gathering information in response to a request by respondent and anticipates submitting such information to respondent within the next several weeks. Petitioner and respondent also commit to submit a subsequent status report to the Board within 30 days from the filing of this report.

The Agency's unexplained 6-month delay in filing the record in this matter is unacceptable.

To "conserve resources" as the parties suggest, the Board will allow the filing of a status report on or before April 26, 1993. The Board expects the status report to contain a projected date for the termination of this action. After receipt of the report, the Board will determine what course of action will best resolve this matter.

IT SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of April, 1993 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board