

ILLINOIS POLLUTION CONTROL BOARD
August 17, 1990

CITY OF OGLESBY,)
)
 Petitioner,)
)
 v.) PCB 86-3
) (CSO Exception)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

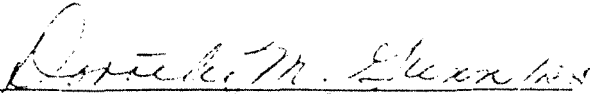
ORDER OF THE BOARD (by J. Anderson):

On August 9, 1990, the Board issued an order granting the Illinois Environmental Protection Agency's ("Agency") "Request for Time to Respond to Petitioner's Amended Petition". The Board directed the Agency to file its response to the City of Oglesby's ("Oglesby") Amended Petition on or before August 23, 1990. On August 14, 1990, the Agency filed a Motion for an Extension of Time, requesting the Board to grant it until September 7, 1990, to file its response. In support of its motion, the Agency states that its attorney in this matter is attending public hearings in another regulatory proceeding. Such hearings are being held in six locations across the State of Illinois between August 14, 1990 and August 24, 1990.

The Board notes that Oglesby's time to respond to this motion has not yet expired, and that the Board's procedural rules state that it will not grant a motion before the expiration of the response period, unless undue delay or material prejudice will result. (35 Ill. Adm. Code 101.241(b)) The Board finds that deferring ruling on the Agency's motion would result in undue delay. Accordingly, the Board hereby grants the Agency's Motion for an Extension of Time, and directs the Agency to file its response on or before September 7, 1990.

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 August, 1990, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board