

ILLINOIS POLLUTION CONTROL BOARD
January 26, 1984

CONOCO, INC.)
)
Petitioner,)
)
v.) PCB 82-100
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)


ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board upon an October 27, 1983 motion for substitution of the petitioner filed on behalf of Conoco, Inc. (Conoco) in this permit appeal proceeding. By Order of December 15, 1983, the Board requested the parties to brief the issue of the legality of a permit transfer while an appeal of that permit is pending before the Board. The Illinois Environmental Protection Agency (Agency) filed its brief on January 17, 1984. Conoco has not submitted any such brief.

The Board finds the Agency's arguments that such transfer is permissible convincing in this case since the subject matter and supporting facts remain unchanged. However, the Board notes that the Agency has not yet received the documents which are necessary for the transfer of the permit (and which have, apparently, been lost in the mail). The motion is, therefore, granted contingent upon the Agency's transfer of the permit. The Board notes that such substitution constitutes an amendment to the petition for review which restarts the Board's 90-day period for decision.

IS IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 26th day of January, 1984 by a vote of 7-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board