

ILLINOIS POLLUTION CONTROL BOARD
September 29, 2008

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IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO THE) R06-20
BOARD'S SPECIAL WASTE) (Rulemaking - Land)
REGULATIONS CONCERNING)
USED OIL, 35 ILL. ADM. CODE 808, 809)

STATE OF ILLINOIS
Pollution Control Board

HEARING OFFICER ORDER

In an order dated August 7, 2008, the hearing officer set a deadline of September 17, 2008, to prefile testimony for the October 1, 2008, hearing in this proceeding. On September 19, 2008, Christopher Harris on behalf of NORA, An Association of Responsible Recyclers (NORA), the proponent in this rulemaking, filed a motion to extend that deadline (Mot.). He stated that a fire on September 11th and 12th had consumed much of his office, including documents pertaining to this rulemaking. Mot. at 1. He further stated that "diligent efforts are being made to reconstruct the file in this matter." *Id.* He requested that NORA be allowed to prefile its testimony on September 22, 2008. Through electronic filings on September 22, 2008, the Board received prefiled testimony from Mr. Christopher Harris on behalf of NORA, Ms. Victoria Custer of Southwest Oil, Inc., and Mr. Michael Lenz of Future Environmental, Inc.

The Board's procedural rules allow 14 days to respond to a motion and provide that, "[u]nless undue delay or material prejudice would result, neither the Board nor the hearing officer will grant any motion before expiration of the 14 day response period. . . ." 35 Ill. Adm. Code 101.500(d). The hearing set to take place on October 1, 2008, will proceed as scheduled. NORA's motion states that counsel for the Illinois Environmental Protection Agency (Agency) did not object to the proposed extension. The Agency had prefiled its questions for the October 1, 2008, hearing on September 15, 2008. Under these circumstances, allowing the 14-day response time to run would unduly delay this proceeding. NORA's motion for extension of time is granted.

IT IS SO ORDERED.



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