

ILLINOIS POLLUTION CONTROL BOARD

March 20, 1997

OK SERVICE CENTER,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 97-112
	)	(UST - Reimbursement)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Yi):

On January 21, 1997 OK Service Center filed an appeal of the Illinois Environmental Protection Agency's (Agency) reimbursement decision. OK Service Center filed a limited waiver of the statutory decision deadline until December 5, 1997. No hearing has been set in this matter.

On March 17, 1997 the Agency filed a "Motion for Extension of Time to File Agency Record". Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Board within 14 days "upon notice of the petition". The Agency states that it received notice of the petition on or about February 14, 1997. The record was therefore due to be filed on February 21, 1997. The Agency requests a grant of extension to any date not less than 30 days prior to hearing.

The Agency claims that no prejudice will attach to OK Service Center if the motion is granted because petitioner is already in possession of the majority of the documents which would constitute the Agency record. No hearing has yet been set in this matter. According to the Agency, the parties believe that litigation may be avoided due to discussions leading to a negotiated settlement. The Board has received no response from petitioner.

The Board hereby grants the Agency until 30 days prior to the scheduled hearing in this matter to file the complete Agency record. The hearing officer assigned to this matter shall establish the filing date of the Agency record consistent with this order when scheduling a hearing.

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 \_\_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board