

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1992

AMOCO OIL COMPANY,)	
(CREVE COEUR TERMINAL))	
)	
Petitioner,)	
)	
v.)	PCB 91-10
)	(Variance)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

In its January 18, 1991 petition, Amoco had requested that a hearing be held in this matter. Due to inactivity in the docket, on April 9, 1992 the Board directed that hearing be scheduled by May 11 and completed by July 15, 1992 or the matter would be subject to dismissal. Hearing was accordingly scheduled for June 29-30, 1992.

On June 10, 1992, the Agency filed a motion for leave to file its recommendation instanter. In support thereof, counsel for the Agency states he was assigned this case when he entered the Agency's employ on February 18, 1992, and that the Agency was waiting for information received on May 21, 1992. The Agency's recommendation is in support of grant of variance.

In addition, on June 18, 1992, Amoco filed a waiver of hearing and requested that the hearing scheduled for June 29-30, 1992 be cancelled. In light of the favorable recommendation, Amoco "believes that the most efficient approach would be for the...Board to decide this matter on written submissions".

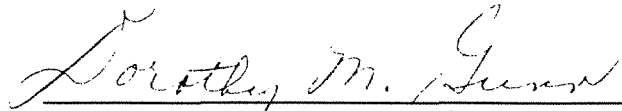
The Board first notes that it is concerned about the significant delay in filing the recommendation. The Board also notes with concern the absence of any earlier motion requesting an extension of time. Because the Act requires the Board to consider the Agency record in making its decision, the Agency's motion to allow filing of the Agency recommendation instanter is hereby granted.

Further, the Board declines to cancel the hearing at this late date. The hearing has already been noticed, and members of the public may well have relied on Amoco's original hearing request in determining whether to object to this variance petition.

The request to cancel hearing is denied and the motion to file instanter is granted.

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 33rd day of June, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board