

ILLINOIS POLLUTION CONTROL BOARD  
April 20, 1995

MEDICAL DISPOSAL SERVICES, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 95-75
	)	PCB 95-76
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	(Permit Appeals - Air, Land)
	)	(Consolidated)
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on two motions: (1) an April 17, 1995 petition for intervention filed by the City of Harvey (Harvey), and (2) an April 19, 1995 motion for extension of time filed by the Illinois Environmental Protection Agency (Agency). Medical Disposal Services, Inc. (MDS) filed a response to Harvey's petition for intervention on April 18, 1995. The Agency has not responded to the petition.

In its motion for extension of time, the Agency seeks a seven-day extension of time to respond to the motion for summary judgment filed by MDS. The Agency previously filed a motion on April 11, 1995 requesting an extension until April 18, 1995, which the Board granted. In support of the additional extension, the Agency cites reasons identical to those set forth in the April 11, 1995 motion for extension.

The Agency's second motion for extension of time is hereby granted. The Agency's response to the motion for summary judgment is now due on or before April 25, 1995. The Board does not anticipate that additional extensions will be requested. Because the Board will not be able to rule on the pending motion for summary judgment prior to the hearing in this matter set for May 1, 1995, the Board hereby directs the hearing officer to continue the May 1, 1995 hearing on the record until a date certain established after consultation with the parties.

The Board declines to rule on Harvey's motion for intervention at this time. However, the Board grants Harvey leave to file an amicus brief on the issues raised in the motion for summary judgment, if it so desires. The Board would accept such a brief if filed within the timeframes set forth in this order for the Agency's response, i.e., by April 25, 1995.

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 20<sup>th</sup> day of April 1995, by a vote of 6-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board