

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1992

RAMADA HOTEL, O'HARE,)	
)	
Petitioner,)	
)	
v.)	PCB 92-87
)	(Underground Storage Tank Fund
)	Reimbursement Determination)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. C. Marlin):

On September 30, 1992, the Agency filed a motion for extension of time through October 5, 1992 in which to file its response to petitioner's September 11, 1992 motion for summary judgment. Among other things, counsel for the Agency notes that the issues involved in this case involve "substantially the same issue of statutory and regulatory construction as is present in" another pending case Harlem Township v. IEPA, PCB 92-83. Counsel states that he is also responsible for that case, and that preparation of his response in that case prevented timely preparation of response in this one. Additionally, the Agency suggest that the Board defer decision in this case until after Harlem is decided.

Although the response time for respondent's motion has not run, the Board will rule upon the motion to prevent "undue delay" in the resolution of this action. The Board does not believe that this early ruling will result in "material prejudice" to Ramada, given the interrelationship of this case with Harlem. (See 35 Ill. Adm. Code 101.241(b)).

The Agency's motion for extension of time is hereby granted. As the Agency requests, the response is due to be filed on or before October 5, 1992.

IT IS SO ORDERED.

0136-0225

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 1st day of October, 1992, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board