

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1992

GREENVILLE AIRPORT AUTHORITY,)
)
Petitioner,)
)
V.) PCB 92-157
) (Underground Storage Tank Fund
ILLINOIS ENVIRONMENTAL) Reimbursement Determination)
PROTECTION AGENCY,)
)
Respondent.)


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

This matter is before the Board on several motions. On December 2, 1992, The Illinois Environmental Protection Agency (Agency) filed a motion for summary judgment. On December 11, 1992, Greenville Airport Authority (Greenville) filed an objection to the Agency's motion for summary judgment. On December 15, 1992, Greenville filed its own motion for summary judgment and a motion for entry of a scheduling order requiring the Agency to comply with discovery and allowing Greenville additional time to prepare for hearing. The hearing in this matter is set for December 22, 1992. The decision deadline in this case is February 19, 1993 and no waiver of that deadline has been filed.

The February decision deadline makes it impossible for the Board to allow Greenville additional time before hearing. Therefore, Greenville's motion requesting a scheduling order and additional time before hearing is denied. In addition, because we are dealing with a tight time schedule, the Board denies the Agency's motion for summary judgment. The Board also denies Greenville's motion for summary judgment and notes that Greenville failed to file its motion twenty-one days before the hearing date as required by the Board's procedural rules. (35 Ill. Adm. Code 101.245.) The scheduled hearing must be held in order to create a record for decision.

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 17th day of December, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0138-0143