

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 1994

GRIFFIN SERVICE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-104
	)	(UST Fund)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. Nardulli):

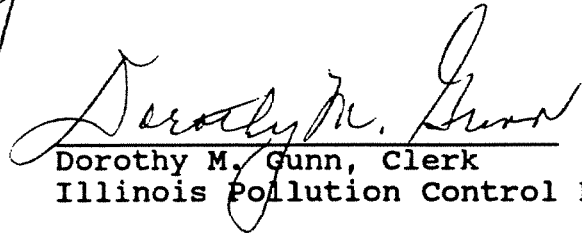
This matter is before the Board on a May 27, 1993, petition filed by petitioners Griffin Service and Sproule Construction for review of the Agency's denial of reimbursement for specific costs from the Underground Storage Tank Fund. Petitioners have filed an open waiver of the decision deadline in this matter. On November 12, 1993, the Agency filed a motion for summary judgment, a request for admission of facts, and notice to produce witnesses, documents and tangible things at the hearing scheduled for December 3, 1993. On November 29, 1993, petitioner's attorneys, Roger H. Kelly and Terry M. Kurt, filed a motion for leave to withdraw as counsel. Also on November 29, 1993, the Agency filed a motion to compel production of documents and list of witnesses and to continue hearing. On December 1, 1993, the Board received Griffin's motion for substitution of attorneys and motion for extension of time to respond to motion for summary judgment.

On December 2, 1993, the Board granted Roger H. Kelly and Terry M. Kurt's motion for leave to withdraw as counsel and allowed Mr. Thomas L. Kilbride to act as substitute counsel for Griffin. The Board directed Sproule Construction to inform the Board, on or before January 3, 1994, whether Sproule Construction wished to remain a party to this matter. In addition, the Board directed the hearing officer to continue the hearing.

On January 3, 1994, Sproule Construction withdrew as a party to this matter. The above caption reflects Sproule Construction's withdrawal. The Board hereby grants Griffin's motion for extension of time to respond to motion for summary judgment. Griffin's response to the Agency's motion for summary judgment is to be received by the Board on or before 21 days from the date of this order. Lastly, the Board directs the Hearing Officer to respond to the remaining discovery motions at the appropriate time, after consultation with the parties.

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 6th day of January, 1994, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board