

ILLINOIS POLLUTION CONTROL BOARD

December 2, 1993

BOCKER CHEVROLET COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 93-111
)	(UST Fund Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On November 29, 1993 petitioner filed a motion seeking leave to file a amended petition. The amended petition itself did not accompany the motion. The Board accordingly construes the motion as a request to file the amended petition at some future date.

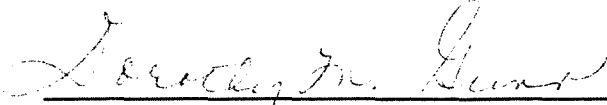
The Board generally gives broad latitude to petitioners seeking to amend petitions where the intent of the amendment is to clarify the record and where the timing of the filing does not prejudice some other person. An appropriate, timely-filed amended petition is accordingly likely to be looked upon favorably by the Board.

However, as regards the instant case, the Board cannot judge the acceptability of the amended petition until it is actually filed and thereby subject to review by the Board. Accordingly the instant motion for leave to file at a future date is denied. Petitioner may renew its motion for leave to file at the time of submission of the amended petition.

The Board notes that a general consequence of filing an amended petition in a decision-deadline case is to cause the decision clock to restart. In the instant matter, however, petitioner has filed an open waiver and the decision-deadline provisions accordingly do not apply.

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 2nd day of December, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board