

ILLINOIS POLLUTION CONTROL BOARD  
August 5, 1993

JOLIET PARK DISTRICT,	)	
(JOLIET AIRPORT FACILITY),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-70
	)	(UST Fund)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Anderson):

On August 4, 1993, the Joliet Park District (Joliet Airport Facility) (Joliet) filed a motion requesting the Board to stay its ruling on the Illinois Environmental Protection Agency's (Agency) May 12, 1993 motion for summary judgment in this matter. Joliet's motion comes in response to a June 3, 1993 Board order.

In its June 3, 1993 order, the Board granted the parties' May 21, 1993 joint request to stay the filing of Joliet's response to the motion for summary judgment as well as the Board's ruling on the motion itself. The Board also directed the hearing officer to cancel the June 9, 1993 hearing that was scheduled and stated that Joliet's response was to be received by the Board no later than July 21, 1993.

In support of its current motion to stay, Joliet asserts that, although it has received notification from the Office of the State Fire Marshal (OSFM) that the underground storage tank at issue would be considered registered by its office, the Agency has not yet received formal notification of the OSFM's decision. Joliet adds that delaying the ruling on the Agency's motion for summary judgment would allow the Agency to process Joliet's application and grant reimbursement.

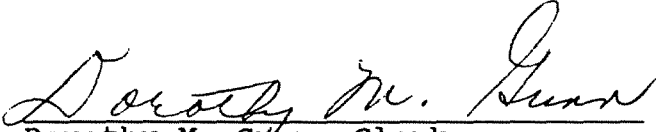
At the outset, the Board notes that Joliet's current motion was not filed by the deadline specified in the Board's June 3, 1993 order (i.e., July 21, 1993). Accordingly, Joliet should have requested leave to file its motion to stay instantler. In the interest of administrative economy, however, the Board hereby accepts Joliet's late filing of its motion to stay.

The Board hereby grants Joliet a limited stay. The Board, in its June 3, 1993 order, stated that it intended to issue a ruling on the Agency's motion for summary judgment at one of its August, 1993 Board meetings so that the hearing officer could reschedule hearing, in the event that the motion is denied, consistent with the November 9, 1993 statutory decision deadline.

Accordingly, the Board grants Joliet an additional two weeks in which to file a response to the Agency's motion for summary judgment. Joliet's response is to be received by the Board no later than August 23, 1993, so that the Board can take action at its August 26, 1993 meeting. Joliet must provide an additional waiver of the November 9, 1993 decision deadline if it wishes to have a lengthier stay.

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 5<sup>th</sup> day of August, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board