

ILLINOIS POLLUTION CONTROL BOARD

April 18, 1996

STEVE'S MOBIL SERVICE,)
)
 Petitioner,)
)
 v.) PCB 96-176
) (UST - Reimbursement)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On April 12, 1996 the Illinois Environmental Protection Agency filed a "Motion for Extension of Time to File Agency Record".

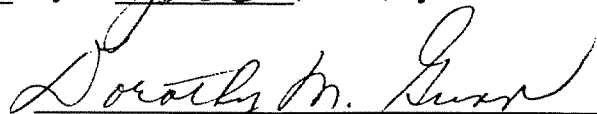
Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Pollution Control Board within 14 days "upon notice of the petition". The Agency states that it received notice of the petition on or about February 16, 1996. The record was therefore due to be filed on March 1, 1996. The Agency requests a grant of extension to any date not less than 21 days prior to hearing.

The Agency claims that no prejudice will attach to Steve's Mobil Service if the motion is granted because petitioner is already in possession of the majority of the documents which would constitute the Agency record. The Board has received no response from petitioner. No hearing has yet been set in this matter. According to the Agency, the parties believe that litigation may be avoided due to discussions leading to a negotiated settlement.

The Board hereby grants the Agency until 30 days prior to the scheduled hearing in this matter to file the complete Agency record. The hearing officer assigned to this matter shall establish the filing date of the Agency record consistent with this order when scheduling a hearing.

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 18th day of April, 1996, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board