

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1992

HARLEM TOWNSHIP,)
)
 Petitioner,)
) PCB 92-83
 v.) (Underground Storage Tank Fund
) Reimbursement Determination)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

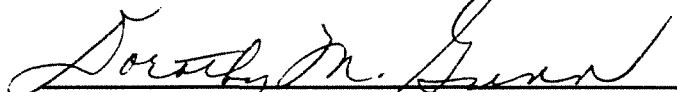
On September 10, 1992, Ramada Hotel, O'Hare (Ramada) filed a "Motion for Leave to File an Amicus Curiae Brief." Ramada is the petitioner in Ramada Hotel, O'Hare v. IEPA, PCB 92-87. The motion states that the legal issues in the above captioned matter and PCB 92-87 are the same in that the reasons for denial of reimbursement are virtually identical, such that Ramada has a direct and material interest in the outcome of the Board's statutory construction of the phrase "release from a UST."

On September 15, 1992, Harlem Township filed an extension of the statutory deadline extending the deadline to November 30, 1992. Harlem Township further requested that the Board forego entering a final decision in this matter until after November 30, 1992. The Board will not delay entering a final decision past the decision deadline. Such a delay would result in the Board's decision issuing by default. Therefore, the request by petitioner for the Board to enter its final order after November 30, 1992 is denied.

Harlem Township also seeks an allowance of 30 days in which to reply to the "Motion for Leave to Submit Amicus Curiae." Petitioner provides no reason why 30 days is needed in which to respond to the filings by Ramada. The Board denies the petitioner's motion for 30 days in which to respond. However, the Board will provide leave to both Harlem Township and the Agency to respond to the filings by Ramada. Responses are to be received by the Board by 4:30 p.m. Monday, September 28, 1992.

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 September, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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