

ILLINOIS POLLUTION CONTROL BOARD  
March 25, 1993

CENTRAL CAN COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-176
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on the Illinois Environmental Protection Agency's (Agency) March 16, 1993 motion to extend time to file its record. The Agency states that the record is currently due on March 22, 1993, that petitioner Central Can is currently negotiating with USEPA about definitions which are crucial to this case, that Central Can met with USEPA in December 1992, and that the case was referred to USEPA national headquarters. The Agency states that because this case may settle and never proceed to hearing, requiring the filing of a record would be time consuming and a waste of Agency resources. The Agency notes that Central Can has filed a 90-day waiver of the decision deadline, and asks that the date for filing the record be extended to June 22, 1993.

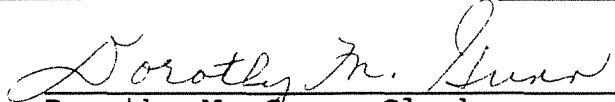
The Board notes that Central Can has submitted a waiver of the decision deadline, to September 22, 1993. In that waiver, Central Can refers to discussions with USEPA and the Agency, and states that, although USEPA stated on December 28, 1992 that it needed an additional 30 days to review the matter, USEPA has not yet responded to Central Can. Central Can states that the discussions are aimed at resolving the matter without prolonged litigation, and that the parties have agreed to await the outcome of the discussions between Central Can and USEPA.

This is the fourth motion to extend time filed by the Agency. When granting the previous motion for extension, on February 25, 1993, the Board stated that it would be the final extension. However, in the interests of administrative economy, and because the delay in proceeding is not the fault of either party, the Board will grant the requested extension. The Board cautions both parties, however, that we will not await the outcome of USEPA's review indefinitely. The Agency's motion for extension of time is granted, and the record is due on June 22, 1993.

IT IS SO ORDERED.

0140-0211

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 25<sup>th</sup> day of March, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board