

ILLINOIS POLLUTION CONTROL BOARD

May 16, 1996

OSCAR MAYER FOODS CORPORATION/)

KRAFT FOODS, INC.,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)

PROTECTION AGENCY,)

Respondent.)

PCB 96-166
(UST-Reimbursement)

ORDER OF THE BOARD (by J. Yi):

This matter is before the Board pursuant to an Illinois Environmental Protection Agency (Agency) motion for an extension of time to file the Agency Record. Oscar Mayer Foods Corporation (Petitioner) filed this appeal of the Agency's underground storage tank reimbursement decision on January 24, 1996. The Agency requests the Board to grant an extension of the 14 day period of filing the Agency Record to any other date not less than 21 days from the date of the scheduled public hearing, if a hearing is scheduled.

The Agency states that no prejudice will result in granting the extension, as the petitioner is already in possession of the majority of documents which would constitute the Record. Additionally, the Agency states that the parties are engaged in negotiations and would be willing to submit status reports concerning the progress of the matter. No hearing has been scheduled and petitioner has filed a waiver of the statutory decision deadline.

The Board grants the Agency's motion for an extension of time. The Agency Record is now due 30 days prior to the date of a scheduled hearing in this matter. The Hearing Officer assigned to this matter when scheduling a hearing, in the same order, shall also establish the filing date of the Agency Record consistent with this order.

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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board