

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

LACLEDE STEEL COMPANY)
)
 Petitioner,)
)
v.)
)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
)
 Respondent.)

PCB 88-115
(Permit appeal)

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on an August 29, 1990 joint motion for continuance of hearing scheduled for September 7, 1990. The parties assert that the hearing officer on verbal motion has verbally refused to grant the requested continuance based upon the age of this case. According to the parties, the hearing cannot proceed as scheduled due to the pendency of negotiations with the Agency and USEPA concerning this RCRA Part A permit. The parties allege that this proceeding is interrelated with both a pending USEPA administrative proceeding and a federal court action. The parties state that "[b]ecause [they] did not intend to go forward with a hearing on September 7, 1990, they have not conducted any discovery, have not conducted a pre-hearing conference, and have not served or responded to admissions of fact." Lastly, the parties argue that "[b]ecause critical legal issues affecting the permit appeal must be resolved between USEPA and Laclede in civil and administrative cases before Laclede and the Agency can resolve those matters, and because the parties wish to continue to resolve the matter without hearing, the parties believe that an extension of 120 days is necessary'

The Board is disturbed by the parties failure to prepare for a scheduled hearing and by their failure to notify the Board in a timely manner of their intent not to proceed with hearing on September 7, 1990. However, in the interest of administrative economy, the Board grants the motion for a 120-day continuance. In granting this motion, the Board does not fault the hearing officer in seeking to move this case forward as instructed. Any future motions for continuance predicated upon the parties' failure to complete preparations for hearing will likely result in dismissal for want of prosecution.

IT IS SO ORDERED.

M. Nardulli, J. D. Dumelle and J. Theodore Meyer dissent.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 30th day of August, 1990, by a vote of 4-3.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board