

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1984

CITY OF KEITHSBURG,)
)
 Petitioner,)
)
 v.) PCB 84-57
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. D. Dumelle):

On December 13, 1984, what purports to be a transcript of the hearing held in this matter was filed by the City of Keithsburg. However, it does not comport with the requirement of 35 Ill. Adm. Code 104.202 that "a complete stenographic transcript" be submitted. The Board, therefore, finds the purported transcript unacceptable. The Board notes, however, that the parties appear to agree on the desired resolution of this matter. For that reason, the Board suggests three options for the parties:

1. A new hearing may be held and a complete stenographic transcript filed;
2. The City may waive hearing and the hearing transcript will be disregarded; or
3. The City may waive hearing and the parties may enter a joint stipulation that if hearing were to be held that witnesses would be presented who would testify in accordance with the narrative summary contained in the December 13, 1984 filing.

Since it is the responsibility of the City to submit an acceptable hearing transcript, the delay which has been caused in this matter due to the filing of an improper transcript will be treated as a pro tanto waiver of the statutory period of decision from December 13, 1984, until some appropriate action is taken by the City to remedy the transcript deficiency. Such action shall be taken within 30 days of the date of 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 20th day of December, 1984 by a vote of 5-0.

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