

ILLINOIS POLLUTION CONTROL BOARD  
July 20, 1995

THE PETITION OF )  
NATIONAL METALWARES, INC. )  
FOR AN ADJUSTED STANDARD ) AS 95-6  
FROM 35 ILL. ADM. CODE ) (Adjusted Standard-Air)  
218.204(G) )

ORDER OF THE BOARD (by J. Yi):

On May 30, 1995, National Metalwares, Inc. (National) filed a petition for adjusted standard from 35 Ill. Adm Code 218.204(g). Petitioners have requested a hearing. However, the Board did not set this matter for hearing because we had not received the certification of publication required pursuant to Section 28.1(d)(1) of the Act and Board regulations at 35 Ill. Adm. Code 106.711 and 106.712. (415 ILCS 5/28.1(d)(1) (1994).) We received the certification of publication on June 19, 1995.

The Board finds that the petition meets the minimum requirements for an adjusted standard petition set forth in 35 Ill. Adm. Code 106.705. Accordingly, since the petitioner has requested a hearing, this matter shall proceed to hearing.

This is a type of case for which the Act prescribes no deadline for decision, although as noted the Act requires the petitioner to timely pursue disposition of the petition. Therefore, hearing must be scheduled and completed in a timely manner, consistent with Board practices and 35 Ill. Adm. Code Part 101 and Part 106, Subpart G. A hearing officer will be assigned to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible.

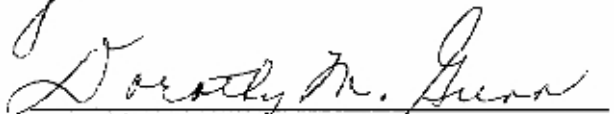
If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

On July 10, 1995, the Illinois Environmental Protection Agency (Agency) filed a motion for an extension of time to file its response. The Agency states that the time allowed for it to file its response is inadequate and that it has discussed with the petitioner the possibility of meeting prior to the filing of the response. The Agency asserts that the petitioner is in agreement and has agreed to the motion.

Since there is no decision deadline and the Board recognizes that negotiations in these matters are beneficial we grant the Agency's motion for an extension of time to file its response until September 1, 1995.

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 20<sup>th</sup> day of July, 1995, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board