

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1990

TAZEWELL COUNTY AND)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 90-40
) (Administrative Citation)
) (Tazewell Docket No. 90-EH-3)
STEVE ZIMMERMAN and)
WASTE LTD., INC.,)
)
Respondents.)

ORDER OF THE BOARD (by J. Anderson):

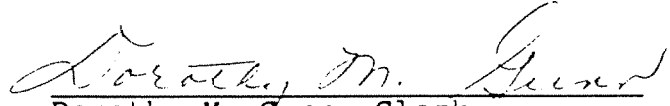
On July 27, 1990, Steve Zimmerman and Waste Ltd., Inc. ("Z & W") filed a Motion to Dismiss. At the July 31, 1990 hearing in this matter, Tazewell County ("Tazewell") made a "Motion to Strike or Disallow Respondent's Motion to Dismiss". On August 31, 1990, Tazewell filed a "Memorandum in Support of Complainant's Motion to Strike or Disallow Respondents' Motion to Dismiss".

On September 10, 1990, Z & W filed a "Motion for Extension of Time", requesting that the Board grant them a seven day extension (from September 9, 1990 to and including September 16, 1990) to file their post-hearing brief and to respond to the Tazewell's "Memorandum in Support of Complainant's Motion to Strike or Disallow Respondent's Motion to Dismiss". In support of their motion, Z & W state that they were unable to file their post-hearing brief by the September 9, 1990 deadline because the attorney who tried the case has left the firm that represents them.

At the outset, the Board notes that 35 Ill. Adm. Code 101.220(1) and 101.247(a) authorize the Hearing Officer to grant motions for extension of time, and that 35 Ill. Adm. Code 101.241(b) states that the Board will not rule on a motion before the expiration of the seven day response period unless undue delay or material prejudice will result. The Board hereby grants the Motion for Extension because Z & W state that their response will be contained in either a separate document or in their post-hearing brief, the requested extension will terminate before the Board's September 27, 1990 meeting, and because the Board issued an order on August 30, 1990, directing Tazewell and the Illinois Environmental Protection Agency ("Agency") to respond to the Motion to Dismiss by September 20, 1990. The Board also will allow Z & W to reply to the Agency's September 20, 1990 response. Such reply must be filed with the Board no later than October 1, 1990.

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 13th day of September, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board