

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1989

KATHY WESTERN,)
)
 Complainant,)
)
 v.) PCB 89-44
)
 MOLINE CORPORATION,)
)
 Respondent.)

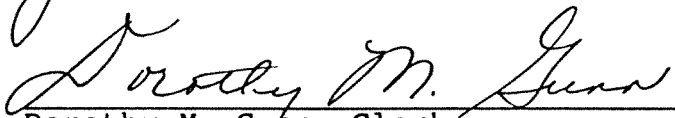
ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a Motion to Continue Hearing filed July 10, 1989 by the Illinois Environmental Protection Agency ("Agency"). On June 26, 1989, the Agency filed an agreed Motion to Consolidate the instant cause with Illinois Environmental Protection Agency v. Moline Corporation, PCB 89-87. On July 7, 1989, respondent, Moline Corporation ("Moline") filed a Motion for Judgment on the Pleadings as to Count IV of the complaint filed by the Agency against Moline. Also on July 7, 1989, Moline filed a Response to the Motion to Consolidate objecting to consolidation. On July 12, 1989, the Agency filed its Reply to Moline's response as well as a Motion for Leave to File Reply Instanter.

The Agency's Motion for Leave to File Reply Instanter is hereby granted. The Board notes that this reply was received the day before the July 13, 1989 Board meeting. Consequently, the Board has not had ample time to consider its ruling on the Motion for Judgment on the Pleadings. Moreover, any ruling on the Motion for Judgment on the Pleadings will affect the Board's ruling on the Motion to Consolidate. These matters, therefore, will not be decided in this Order. The Board finds that the July 20, 1989 hearing scheduled in PCB 89-44 must be continued. However, the Board notes that the Motion to Continue this hearing was filed by the Agency, not Kathy Western, in PCB 89-87. There being no Motion to Continue Hearing filed in PCB 89-44, the Board on its own motion continues the July 20, 1989 hearing for sixty (60) days.

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 July, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board