

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1988

JOHN SEXTON CONTRACTORS)
COMPANY,)
)
Petitioner,)
)
v.) PCB 88-139
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a November 28, 1988 motion by John Sexton Contractors Company (Sexton) to extend the time for Sexton to file its brief from November 17, 1988 to December 8, 1988. Sexton also waived the Board's decision deadline from "November 28, 1988" (December 28, 1988 is the correct date) to and including January 13, 1989.

On November 29, 1988, the Environmental Protection Agency (Agency) filed a response, stating that it did not object to Sexton's motion as long as it was given until December 22, 1988 to file its response brief.

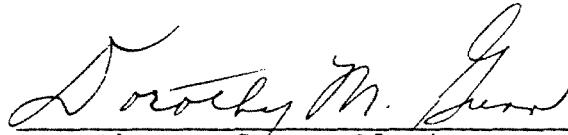
Sexton's waiver until January 13, 1989 would in effect require the Board to decide this matter at its regular January 5, 1989 meeting, absent a special Board meeting, since its next regularly scheduled Board meeting is January 19, 1989.

Sexton's waiver also effectively and unacceptably shifts the Board's decision time to include the Christmas/New Year holidays, essentially further shortening the already very limited number of working days to deliberate and decide this case. The Board will not accept Sexton's motion as framed.

Sexton's motion is denied. In so holding, the Board notes that because Sexton's motion was filed eleven days after its brief was due, Sexton has created a dilemma that it should cure; there now is not enough time left before the regular December 15, 1988 Board meeting (the last regular meeting prior to January 5) to include late filed briefs. Therefore, the Hearing Officer is given leave to extend the briefing schedule requested by Sexton and the Agency (i.e. until December 8 and December 22, 1988 respectively) if Sexton files a waiver of the Board's decision due date at least to and including January 19, 1989.

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 29th day of November, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board