

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1986

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

LARRY BITTLE, d/b/a SOUTHERN
RECYCLING, a dissolved Illinois
corporation, WILLIAM GAMBER,
LEONARD C. BITTLE, and J. MAX
MITCHELL,

Respondents.

PCB 83-163

ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon the October 9, 1986, request by Respondent J. Max Mitchell for oral argument before the Board.

In support of his motion, Mitchell states that this case "involves unusual issues concerning the concepts of res judicata, estoppel and laches and also involves issues not previously discussed in opinions of the Board..." Mitchell believes that consequently, oral argument would provide the Board "with the opportunity to question all parties concerning these issues in order to better understand them and reach an appropriate decision".

Mitchell does not claim that these issues have been inadequately raised and/or discussed in the record of this case as it presently exists. Rather, respondent seems to be alleging that oral argument would prove additionally helpful to the Board as it addresses the issues presented here.

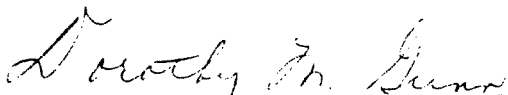
In its rebuttal brief filed November 3, 1986, the Agency urges the Board to deny Mitchell's request. The Agency views oral argument as being "not warranted by the facts of the case, and ...not in the best interests of all parties..."

Oral argument would admittedly provide a forum for further exploration of these issues. However, the Board is unable, as a matter of practicability, to allow oral argument in all but the most extraordinary situations. As many hearings have already been held in this docket, and the opportunity for submission of briefs has been provided to the parties, the Board believes that this case is not one of such an extraordinary nature that oral argument can be permitted.

The October 9, 1986, request of J. Max Mitchell for oral argument is therefore denied.

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 6th day of November, 1986, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board