

ILLINOIS POLLUTION CONTROL BOARD
November 20, 1986

JOLIET SAND AND GRAVEL COMPANY,)
)
) Petitioner,)
)
) v.) PCB 86-159
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

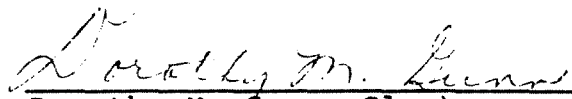
In its Order of November 6, 1986, the Board reserved ruling on Joliet's November 5 supplement to motion for sanctions which seeks relief premised on the Agency's alleged filing of an incomplete record. The Agency filed a response in opposition on November 12.

The motion for sanctions is denied. The Board cannot determine, based on the pleadings before it and in advance of hearing, that a) the Agency record is in fact incomplete, or b) assuming arguendo that it is, that the circumstances surrounding such omissions warrant the extreme relief of sanctions.

Finally, the Board notes that the Agency's response to the motion contains several allusions to the Hearing Officer as trier of fact in this proceeding. While it is correct that the Hearing Officer does make some factual determinations in proceedings before the Board (e.g. whether his Orders have been complied with), the role of the Hearing Officer is to manage the development of a complete and orderly record upon which the Board may make findings of fact and conclusions of law.

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 20th day of November, 1986, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board