

Because of requirements regarding the publication of notice of hearing, no scheduled hearing may be cancelled unless the petitioner provides an open waiver or a waiver to a date at least 75 days beyond the date of the motion to cancel hearing. This should allow ample time for the Board to republish notice of hearing and receive transcripts from the hearing before the due date. Any order by the hearing officer granting cancellation of hearing shall include a new hearing date at least 40 days in the future and at least 30 days prior to the new due date and the Clerk of the Board shall be promptly informed of the new schedule.

Because this proceeding is the type for which the Illinois Environmental Protection Act sets a very short statutory deadline for decisionmaking, absent a waiver, the Board will grant extensions or modifications only in unusual circumstances. Any such motion must set forth an alternative schedule for notice, hearing, and final submissions, as well as the deadline for decision, including response time to such a motion. However, no such motion shall negate the obligation of the hearing officer to set a date pursuant to the second paragraph of this Order.

The parties are ordered to provide briefs to the Board not later than May 15, 1986, on whether the Board has jurisdiction to join USEPA as a necessary party in an adjudicatory proceeding.

Additionally, the parties are requested to provide comments on whether PCB 86-62 and 63 should be consolidated into one proceeding

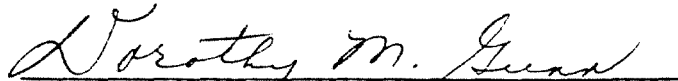
Additionally, the parties are ordered to provide briefs to the Board not later than May 15, 1986, on whether the Board has authority to entertain this Permit Appeal. The parties attention is directed to Landfill, Inc. v. Pollution Control Board, 74 Ill. 2d 541 (1978); Village of Gilberts v. Holiday Park, PCB 85-96 (August 15, 1985); and 35 Ill. Adm. Code 105.102(b)(3).

The motion by Monsanto for leave to appear is granted.

IT IS SO ORDERED

Chairman J.D. Dumelle and Board Member J. Anderson dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of April, 1986, by a vote of 5-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board