

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1985

CONCERNED NEIGHBORS FOR A)
BETTER ENVIRONMENT, and)
WILLIAM SCAVARDA,)
)
Petitioners,)
)
v.) PCB 85-124
)
COUNTY OF ROCK ISLAND, and)
BROWNING-FERRIS INDUSTRIES)
OF IOWA, INC.,)
)
Respondents.)

INTERIM ORDER OF THE BOARD (by J. Anderson):

By Order of September 20, 1985, the Board directed petitioners to file a supplement to their petition on or before October 1, 1985, in response to the motion made by BFI "September 3, 1984" (sic -- 1985 is the correct year). Petitioners filed their supplemental petition October 17, stating that they had been unaware of the Order until verbally informed by BFI's counsel October 7, at which time they confirmed the Board's entry of that Order and requested a copy from the Board's Clerk. The Board regrets this mishap, and on its own motion accepts the late filing nunc pro tunc.

On October 21, 1985, BFI moved to strike this supplemental petition on the grounds that it is "vague and general, and does not set forth any facts upon which petitioners rely". The Board notes that hearing in this matter is presently set for October 29, and so will rule upon this motion in advance of a response. The motion is denied. The supplemental petition is less factually specific than might be desired, although it does generally set forth the legal errors Concerned Neighbors assert.

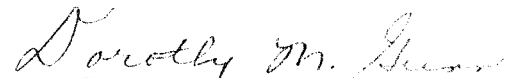
Additionally, as a practical matter, the Board notes that decision in this matter is due December 12. Cancellation of the October 29 hearing and the proper noticing of a new hearing date in late November will leave the Board an unacceptably short period in which to deliberate this matter. Hearing in this matter shall proceed on October 29, at which time petitioners shall fully present their case. As part of this presentation, the petitioners shall present a written specification, with citation to the County transcript, of the hearing officer rulings being challenged. The relationship of such rulings to the alleged lack of fundamental fairness shall be explained, and any additional evidence relating thereto shall be presented. Argument shall also be presented concerning the manifest weight of the evidence issue.

The Hearing Officer shall continue the hearing as necessary to prevent unfair surprise to BFI, and shall announce any new hearing date prior to recessing the October 29 hearing. Due to the short span of time between entry of this Order and the scheduled hearing date, the Clerk is directed to, this day, provide telephonic notice of this Order to all counsel and the Hearing Officer, and to mail copies of this Order via first class mail; the usual certified mail copies may then be dispatched following usual procedures.

IT IS SO ORDERED.

J. D. Dumelle and B. S. Forcade concur.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Interim Order was adopted on the 24th day of October, 1985 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control
Board