ILLINOIS POLLUTION CONTROL BOARD
September 20, 1985

ILLINOIS ENVIRONMENTAL   )
  PROTECTION AGENCY,   )
)
        Complainant,   )
)
        V.   )   PCB 84-118
)
RICHARD C. McCORMICK,   )
)
        Respondent.   )

ORDER OF THE BOARD (by J.D. Dumelle):

     This matter comes before the Board upon a September 6, 1985
motion for sanctions filed on behalf of the Illinois
Environmental Protection Agency (Agency). No response was filed
on behalf of Mr. McCormick. In its motion the Agency states the
following chronology of events (supported by affidavit):

     1. April 23, 1985: First set of interrogatories and
         request to produce served on McCormick.

     2. June 13, 1985: Hearing officer order requiring
         McCormick to comply with discovery requests by July 1,
         1985.

     3. July 17, 1985: Agency letter to McCormick noting
         continued lack of compliance with Hearing Officer Order
         noting possible sanctions.

     4. August 16, 1985: Deposition of Mc McCormick taken.
         When asked why he had not yet complied, McCormick stated
         his wife had sent some records the the Agency, but
         remainder would have been too expensive to send. Agency
         later determined that no such records had been received.

     The Board finds that McCormick's failure to comply with the
Board's rules and the Hearing Officer Order is unreasonable,
without justification and has prejudiced the Agency in its
preparation for hearing. Therefore, the Board hereby grants the
Agency's motion for sanctions, as follows:

     1. McCormick is barred from introducing any evidence,
         including oral testimony, on the issue of his income and
         business finances;

2. McCormick is barred from introducing documentary
    evidence on the issue of volume and character of
    material at his Minonk landfill; and

3. McCormick is barred from introducing documentary
    evidence on the issue of equipment purchase and rental.

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 _September_ , 1985 by vote
of ____7-0____ .

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board