

ILLINOIS POLLUTION CONTROL BOARD
February 24, 1983

DANIEL HERLEY d/b/a, Herley Grain Company,)
)
) Petitioner,)
)
) v.) PCB 81-138
) PCB 82-34
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)


ORDER OF THE BOARD (by I. Goodman):

On February 10, 1983 the Agency filed a Motion to Dismiss the variance petition and permit appeal filed by Petitioner in this matter. The Agency alleged that Petitioner's undue dilatory tactics in proceeding in both matters allowed the operation in question to continue unpermitted. On February 23, 1983 Petitioner responded that the delays were due to negotiations and efforts to coordinate these proceedings with a regulatory proposal filed by the Grain and Feed Association, R82-20. In the response, Petitioner also agreed to submit the outstanding Interrogatories to the Agency on or about March 1, 1983 and to conduct the hearing on or about March 24, 1983. With the assurance that these matters will proceed and conclude in the near future, the motion is denied. Discovery should be completed no later than March 1, 1983 and hearing held no later than April 1, 1983.

IT IS SO ORDERED.

Board Member J. Anderson concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24 day of February, 1983 by vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board