

ILLINOIS POLLUTION CONTROL BOARD
November 12, 1982

A.S. HANSEN, INC.,)
)
) Petitioner,)
)
) v.) PCB 81-177
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

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

On November 2, 1982 A.S. Hansen, Inc., filed a waiver, motion for postponement of Board decision, leave to file second amended petition, grant of opportunity for a second hearing, and substitution of attorneys. Hansen represents that the Illinois Environmental Protection Agency (Agency) has no objection to postponement or to the filing of a second amended complaint.

The motions to postpone, for leave to file a second amended complaint and to substitute attorneys are hereby granted since there is no apparent prejudice. The Board also notes that the filing of an amended petition restarts the 90-day decision period and terminates proceedings under earlier petitions. Further, that amended petition must include a request for or waiver of hearing and even if hearing is waived initially, a request for hearing may be made within 7 days after receipt of the Agency recommendation (35 Ill. Adm. code 104.181). This effectively moots the remaining motion.

IT IS SO ORDERED.

Board Member D. Anderson abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 12th day of November, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board