

ILLINOIS POLLUTION CONTROL BOARD  
December 2, 1982

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 79-145  
 )  
THE CELOTEX CORPORATION )  
AND PHILIP CAREY COMPANY, )  
 )  
Respondents. )


ORDER OF THE BOARD (by I. G. Goodman):

On November 5, 1982 Respondents filed Motion to Disqualify the hearing officer in this matter. This case was begun in 1979; Respondents represent that the hearing officer's relationship and possible conflict was known to it by November, 1980; and that it also knew the Complainant had waived any possible claim to conflict of interest. Respondents further represent that so far depositions have taken place and a fourth Motion for Discovery has been made.

Respondents cite Ill. Rev. Stat., 1982, ch. 110A, par. 67(a) in support of its Motion. The Board refers Respondents to paragraph (b) of that same statute. Although not bound by the Civil Practice Rules, the Board finds that the relationship is remote and reassignment to a hearing officer unfamiliar with this matter would be disadvantageous, and possibly create an unnecessary hardship for the parties. The Board, therefore, reaffirms its October 14, 1982 Order. Motion is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 2<sup>nd</sup> day of December, 1982 by a vote of 4-0.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board