

ILLINOIS POLLUTION CONTROL BOARD
January 22, 1981

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-139
)
 VICKERY MANOR SERVICE CORP.,)
 AN ILLINOIS CORPORATION,)
)
 Respondent.)

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

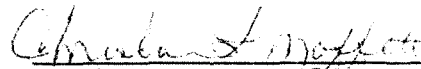
On May 10, 1978, the Illinois Environmental Protection Agency (Agency) filed a complaint in this matter which was later amended. On June 6, 1978, the Agency filed Interrogatories and a Request for Production of Documents. These were not responded to. On May 24, 1979, the Agency filed a Motion to Compel but the hearing officer did not rule on that motion. On November 6, 1979, the Agency filed a motion requesting a ruling and a hearing date, but the hearing officer again failed to rule. On or about May 12, 1980, the Board reassigned the case. On December 4, 1980, the new hearing officer ordered Vickery Manor Service Corp. (Vickery) to answer the interrogatories and produce the documents within 10 days. As yet, Vickery has done neither.

On January 6, 1981, the Agency moved the Board to impose sanctions. Vickery made no response to that motion. Therefore, the Board hereby orders that Vickery be debarred from introducing any evidence or testimony concerning the following issues:

1. Economic reasonableness of compliance;
2. Economic status of Vickery;
3. Technical feasibility of compliance;
4. Actions taken by Vickery to achieve compliance; and
5. The cost of any actions taken by Vickery to achieve compliance.

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 22nd day of January, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board