

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-167
)
 PAXTON LANDFILL CORPORATION,)
 an Illinois corporation,)
)
 Respondent.)

- and -

PAXTON LANDFILL CORPORATION,)
 an Illinois corporation,)
)
 Petitioner,)
)
 v.) PCB 77-231
) CONSOLIDATED
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On March 30, 1978 the Board granted leave to the Illinois Environmental Protection Agency (Agency) to file an Interlocutory Appeal appealing a Hearing Officer Order herein granting Paxton Landfill Corporation (Paxton) until April 3, 1978 to answer the Agency's request for admission of facts. Upon consideration of the record in this case and the briefs filed by the parties, the Board finds that great prejudice would be visited upon Paxton if the Board were to adopt the Agency's position in this matter. Since little or no prejudice will accrue to the Agency if the Board upholds the Hearing Officer in this matter, the Board will therefore affirm the Hearing Officer's Order allowing Paxton until April 3, 1978 to answer the Agency's request for admission of facts. The Board notes that Paxton filed their answer to the Agency's request for admission of facts on April 3, 1978, notwithstanding the fact that the Board had stayed execution of the

Hearing Officer's Order until the Board decided the Interlocutory Appeal.

Since the Board has found in favor of Paxton in the Interlocutory Appeal herein, the Agency's Motions filed April 3, 1978 for Sanctions and to Sever Consolidated cases for Hearing are hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 27th day of April, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board