

ILLINOIS POLLUTION CONTROL BOARD

April 3, 1997

MONSANTO COMPANY	)	
(William G. Krummrich Plant),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 97-154
	)	(Permit Appeal - RCRA)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by R.C. Flemal):

On March 10, 1997, Monsanto Company filed a petition for Review of Permit regarding its facility located in St. Clair County, Illinois. The petition was accompanied by a limited waiver of hearing, decision deadline, and filing of the Illinois Environmental Protection Agency (Agency) record, for "90 days beyond the time limit provided for these actions in Section 40 of the Illinois Environmental Protection Act and in Parts 103 and 105 of the Illinois Pollution Control Board regulations". This waiver provides for a Board decision deadline of October 6, 1997. The Agency's record is now due July 8, 1997. This matter is accepted for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable decision deadline as extended by Monsanto Company's waiver. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses, and all actual exhibits to the Board within five days of the hearing.

Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now October 6, 1997 (210 days from March 10, 1997); the Board meeting immediately preceding the decision deadline is scheduled for October 2, 1997.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board