

ILLINOIS POLLUTION CONTROL BOARD

December 19, 1974

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
vs.)	PCB 74-400
)	
MURREL WEEDMAN,)	
)	
Respondent.)	

ORDER OF THE BOARD (by Mr. Henss):

Complainant Environmental Protection Agency has moved for the appointment of a different Hearing Officer, alleging that the Hearing Officer made comments at a pre-hearing conference which were prejudicial to the rights of the Complainant. Respondent has objected to the motion, stating that the Hearing Officer displayed good judicial temperament and at no time displayed prejudice for or against either party.

The Pollution Control Board finds that the motion is without merit. The conversation and differences of viewpoint expressed at the pre-hearing conference do not and will not influence the Pollution Control Board in its decision. Our decision will be on the merits of the case following the submittal of a settlement proposal or a record of the testimony taken in a contested hearing. The Agency does not complain of any ruling made by the Hearing Officer but states that remarks made by him in the presence of the Respondent will make it more difficult for the Complainant to obtain a settlement. These remarks were in the nature of a review of Board action on similar cases and we do not see how they could have caused prejudice to any party. We sympathize with Complainant in its desire to dispose of the case in the easiest manner possible, but the conversation at the pre-hearing conference will have no influence upon its ultimate outcome.

It is Ordered that the motion for appointment of a different Hearing Officer be and it is hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 19th day of December, 1974 by a vote of 3 to 0.

Christan L. Moffett (gn)