

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 73-372 through 73-379
)
 COMMONWEALTH EDISON COMPANY,)
)
 Respondent.)
)
 COMMONWEALTH EDISON COMPANY,)
)
 Petitioner,)
)
 v.) PCB 74-16
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER (by Mr. Henss)

Commonwealth Edison Company has filed Appeal from Order of Hearing Officer, and Request for Clarification of January 17, 1974 Order of Board. Essentially the company requests that we postpone hearings in the enforcement proceeding until 10 days after the receipt of the transcripts of the hearings of the variance proceedings. It is stated that this will enable the parties to proceed to adequately prepare for the variance hearings, and, after those hearings, to enable the parties to determine which portions (if any) of the record in the variance proceedings should not be incorporated into the record of the enforcement proceeding. Counsel assure us that part or all of the variance record will be incorporated into the record of the enforcement case and the purpose of the motion for postponement is to avoid costly duplication of effort.

The Environmental Protection Agency has no objection to the motion and in fact states that a denial would cause: duplication of time and expenses regarding hearing officers, attorneys and court reporters, inability of the Agency to properly conclude discovery, may interfere with the variance proceedings or prevent a full and comprehensive record in the variance case.

We will allow the motion since this will facilitate the handling of a rather complex set of hearings.

The hearing officer is directed to postpone further hearings in the enforcement proceeding until 10 days after the receipt of the transcripts of the hearings of the variance proceedings.

It is so ordered.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board certify that the above order was adopted by the Board on the 7th day of March, 1974 by a vote of 5 to 0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board