

ILLINOIS POLLUTION CONTROL BOARD

August 7, 1997

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|------------------------|---|------------------|
| WHITE CAP, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 98-24 |
| |) | (Variance - Air) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by G.T. Girard):

On August 1, 1997, White Cap, Inc. (petitioner) filed a petition for variance regarding its facility located at 1819 North Major Avenue, Chicago, Cook County, Illinois. While petitioner waived hearing, for the reasons stated in the order adopted today in White Cap, Inc. v. IEPA (August 7, 1997), PCB 96-191, this matter is accepted for hearing to allow for full presentation of all contested issues. As requested by petitioner, the record in PCB 96-191 is incorporated.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver. (Petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105.) 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 a 30 day 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.

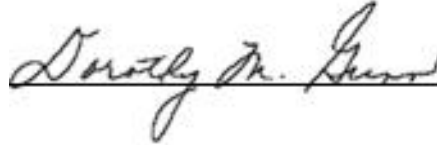
Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now November 29, 1997 (120 days from August 1, 1997); the Board meeting immediately preceding the decision deadline is scheduled for November 20, 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 at 35 Ill. Adm. Code 104.180 require the Agency to file its recommendation for disposition of the petition within 30 days of filing 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 7th day of August 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board