ILLINOIS POLLUTION CONTROL BOARD September 6, 1972

ENVIRONMENTAL PROTECTION AGENCY)			
Complainant,)			
Vs.)	NO -	PCB	72-49
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BENJ. HARRIS & CO.,)			
Respondent.	j			

ORDER OF THE BOARD ON MOTION FOR ASSIGNMENT OF NEW HEARING OFFICER (by Mr. Henss)

Respondent asks us to assign a different Hearing Officer to the case and order additional time for discovery and a second pre-hearing conference. In support of this motion Respondent gives a history of the case in an attempt to prove that the Hearing Officer has been guilty of prejudicial conduct detrimental to Respondent's defense. We have reviewed the case history and must reject Respondent's conclusions. In our opinion there has been no proof of prejudicial conduct on the part of the Hearing Officer. The case has been pending almost seven months—ample time for discovery—and hearing has been postponed five times. The hearing date of September 7th was ordered by this Board because of the excessive delay in bringing this matter to hearing on the merits.

Respondent also requests that a Member of this Board attend all further proceedings. It would be physically impossible for the Board Members to attend to all of their duties if they were to participate in such proceedings and we adhere to our use of the Hearing Officer procedure.

The Motion is denied.

Mr. Lawton did not participate in the discussion or decision.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Order this 6th day of September, 1972 by a vote of

Christan L. Moffett, Clerk
Illinois Pollution Control Board

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