

ILLINOIS POLLUTION CONTROL BOARD

August 9, 2007

CITY OF FREEPORT,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 98-108
	)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On February 18, 1998, the City of Freeport (City) filed this permit appeal. The City has filed numerous extensions of the decision deadline and the parties have participated in conferences with the hearing officer concerning the status of this case. However, the Board has taken no action on the merits of the case. During a status call on March 19, 2007, the Illinois Environmental Protection Agency indicated that the appeal may be moot due to later issued permits and the City asked for an additional 30 days to discuss the issue with the City’s environmental consultant. See Hearing Office Order March 19, 2007. Since that order neither party has participated in status conferences with the hearing officer and on May 30, 2007, the hearing officer notified that the City that failure to appear or file a status report before the next scheduled call would result in the hearing officer asking the Board to dispose of the case. On July 17, 2007, the Hearing Officer held a status conference and neither party appeared. In an order issued by the Hearing Officer on July 17, 2007, the Hearing Officer asked the Board to dismiss this case. See Hearing Officer Order July 17, 2007.


The Board finds that the City has failed to diligently pursue this case and the hearing officer has made every effort to accommodate the City. Therefore, the Board therefore dismisses this case and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board’s procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

IT IS SO ORDERED

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 9, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board