

ILLINOIS POLLUTION CONTROL BOARD
June 13, 1985

WOODSTOCK DIE CASTING,)
)
Petitioner,)
)
v.) PCB 84-134
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

The Agency's motion for leave to file agency variance recommendation instantter filed on June 5, 1985 is hereby granted.

Although the decision deadline for this proceeding has been extended to September 15, 1985, the Board notes that as of yet no hearing has been scheduled. Because this proceeding is of the type requiring notice to the Clerk of the Board at least 40 days in advance of the hearing so that public notice may be published, hearing must be scheduled within 14 days of the date of this Order and completed within 50 days of the date of this Order. The 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 public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list and all actual exhibits to the Board within 5 days of the hearing. The hearing officer may by order set a schedule for submission of briefs. But such schedule shall provide for final filings as expeditiously as possible and in no event later than 60 days from the date of this Order.

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. This schedule will only provide the Board a very short time period to deliberate and reach a decision before the due date. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

The hearing officer may extend this schedule only on a waiver of the decision deadline by the petitioner and only for the equivalent or fewer number of days than the decision deadline is waived. Such waivers must be provided in writing to the Clerk of the Board.

Because this proceeding is the type for which the Illinois Environmental Protection Act sets a very short statutory deadline for decisionmaking, absent a waiver, the Board will grant extensions or modifications only in unusual circumstances. Any motion must set forth an alternative schedule for notice, hearing, and final submissions, as well as the deadline for decision, including response time to such a motion. However, no such motion shall negate the obligation of the hearing officer to set a date pursuant to the second paragraph of this Order.

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 13th day of June, 1985, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board