

ILLINOIS POLLUTION CONTROL BOARD
February 22, 1990

NATIONAL ENVIRONMENTAL)
SERVICES CORPORATION,)
)
Petitioner,)
)
v.) PCB 89-129
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On October 17, 1989, National Environmental Services Corporation ("NESC") filed an amended petition to contest conditions imposed on permit by the Illinois Environmental Protection Agency ("Agency").

Hearing in this matter was held December 13, 1989 at which time a briefing schedule was entered. Briefs were due January 19, 1990, and reply briefs were due February 2, 1990. The Agency filed its brief January 19, 1990. As of this date, NESC has not filed its brief nor furnished the Board any waiver of decision date.

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 grants extensions or modifications only in unusual circumstances. Any motion for an extension 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. At this time, the filing of a brief by NESC would therefore be inappropriate, unless accompanied by a waiver of decision deadline for at least 90 additional days beyond the present deadline of March 31, 1990 and a motion setting forth the above matters. Nothing in today's Order should be construed as a waiver by the Board of the possibility of sanctions or other appropriate action as a result of the failure to meet filing deadlines.

The Board, on its own motion, will dismiss this matter at its March 8, 1990 Board meeting, unless NESC files appropriate and supportable documents by Tuesday, March 6, 1990.

IT IS SO ORDERED

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22 day of February, 1989, by a vote of 6-1.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board