

ILLINOIS POLLUTION CONTROL BOARD
May 20, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-65
)
)
 NOBLE & GENEVA STARNES,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Goodman):

On April 22, 1976, Complainant, Environmental Protection Agency (Agency), filed a Motion for Interlocutory Appeal. On May 11, 1976, the Board received Respondents' Response to Motion for Interlocutory Appeal. On May 11, 1976, the Board received a Motion for Interlocutory Appeal filed by Respondents. On May 10, 1976, the Board received Complainant's Objection to Motion for Interlocutory Appeal.

The Motions for Interlocutory Appeal filed by Complainant and Respondents are hereby granted. The Interlocutory Appeals shall be consolidated for purposes of briefing by the parties and Board consideration. The parties shall submit briefs within 30 days of the date of this Order on the following questions raised in the respective Motions:


1. Whether the Hearing Officer erred by striking most of Complainant's Requests for Admission of Facts;
2. Whether the Hearing Officer erred in ruling on Respondents' Objections to Interrogatories and Motion to Strike without allowing Complainant the time to respond as provided in Procedural Rule 308(c);
3. Whether the Hearing Officer erred in striking certain of Complainant's Interrogatories;

4. Whether the Hearing Officer erred in overruling several of Respondents' Objections to Complainant's Interrogatories.

IT IS SO ORDERED.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 20th day of May, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board