

ILLINOIS POLLUTION CONTROL BOARD
September 4, 1980

IN THE MATTER OF:)
)
Amendments to the Procedural) R80-2
Rules)

Adopted Rule. Final Order .

ORDER OF THE BOARD (by J.D. Dumelle):

On July 10, 1980, the Board issued an Opinion and Order in this matter. That Order was subject to modification in the event of comment or objection by the Joint Committee on Administrative Rules during the second notice period. This proposed rulemaking had been published in the Illinois Register on March 14, 1980. The second notice period commenced August 1, 1980.

In response to Joint Committee comments the Board agreed to some modification in language to clarify the intent of the proposed rule. Based upon these changes the Joint Committee certified on August 22, 1980, that no objection would be issued, thus ending the second notice period.

Therefore, the Board hereby adopts the proposed rule as set forth below. The Clerk is directed to file the rule with the Secretary of State to replace the current Rule 311 of the Illinois Pollution Control Board Chapter 1: Procedural Rules.

311 Continuances

(a) A motion for continuance for any enforcement, variance or permit appeal proceeding shall be granted by the Hearing Officer whenever justice may require. All motions for continuance must be supported by an affidavit or written motion before the Hearing Officer by the person or persons having knowledge of the facts supporting the motion. Provided, however, that if the Board determines, in its discretion, that any variance petition, permit appeal, or enforcement case is not proceeding expeditiously to a conclusion, the Board shall order such actions as it deems appropriate to reach an expeditious conclusion.

(b) No continuance shall be granted to the petitioner for any variance or permit appeal proceeding unless the deadline for final Board action, whenever applicable, is extended by the petitioner for a like period, as a minimum.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Adopted Rule and Final Order was adopted on the 4th day of September, 1980 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board