

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-153
)
 JACK CARLSTROM, d/b/a LOCKPORT)
 TRUCKING COMPANY,)
)
 Respondent.)

ORDER OF THE BOARD (by Dr. Satchell):


On August 30, 1979 Respondent Jack Carlstrom (Carlstrom) filed a motion for stay of the Board's Order of June 22, 1979 pending appeal. The Environmental Protection Agency (Agency) filed a motion in opposition and memorandum on September 6, 1979 and September 17, 1979. On September 18, 1979 Carlstrom filed a motion for an additional twenty-eight days to file a memorandum in support of his motion. Procedural Rule 308(c) provides for a response to motions, but the moving party has no right to reply except as permitted by the Hearing Officer or Board. In a motion to stay, time is the issue. It would be difficult to grant Respondent another twenty-eight days without granting the motion to stay. Therefore, the motion for leave to file a memorandum is denied.

On June 22, 1979 the Board entered a final Order in this landfill enforcement case which among other things ordered Carlstrom's supplemental permits covering certain chemical wastes revoked thirty days from that date. In a motion requesting reconsideration of this part of the Order, Carlstrom set forth attachments purporting to show that the drainage situation at the landfill had been corrected and that Agency inspectors had found the operation in compliance in recent months. On August 9, 1979 the Board denied this motion following the Agency's response in opposition.

The motion for leave to file a reply memorandum is denied. The penalty provided by paragraph six of the Order of June 22, 1979 is stayed pending appeal. The revocation of permits provided by paragraph five of that Order shall take effect thirty days from the date of this Order. Otherwise the motion to stay is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 4th day of October, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board