

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1972

ENVIRONMENTAL PROTECTION AGENCY)
)
)
 v.) #72-71
)
)
 AIRPORT LANDFILL)

OPINION & ORDER OF THE BOARD ON MOTION TO DISMISS (BY MR. CURRIE):

Respondent moves to dismiss on the ground that a hearing date was set without consulting the respondent and that the date was more than 60 days after the complaint was filed, contrary to our procedural rule 307. The hearing officer's letter transmitting the motion indicates that he asked the Agency's attorney to arrange a suitable date with the respondent, and that the respondent refused to agree to any date because of the 60-day rule. This course of dealing clearly satisfies the consultation requirement, whose violation in any case would be grounds only for setting a new date upon a showing of inconvenience, not a dismissal. As for the 60-day rule itself, that too is not a jurisdictional requirement; it is a reminder to hearing officers to avoid delay, for the benefit of the general public. There is no showing that the delay in this case in any way prejudiced the respondent. The motion to dismiss is hereby denied.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order on Motion to Dismiss this 20th day of June, 1972, by a vote of 5-0.

