

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1995

GENERAL MOTORS CORPORATION)
(GM POWERTRAIN),)
)
Petitioner,)
)
v.) PCB 96-3
) (Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by M. McFawn):

On July 10, 1995, General Motors Corporation (GM Powertrain) (GM) filed a petition for permit review regarding its Danville Casting Plant, located in Vermillion County. Accompanying the petition for review was a motion requesting that Louis E. Tosi, Esq. and Michael J. O'Callaghan, Esq., counsel for GM, be allowed to appear *pro hac vice*, and a motion to stay "all the terms and conditions of the previous air operating permit." The Board subsequently received a motion to withdraw the motion to stay on July 19, 1995. The motion to withdraw the motion to stay is granted.

In its motion for *pro hac vice* appearance, GM states that both Louis E. Tosi, Esq. and Michael J. O'Callaghan, Esq., are in good standing before the Supreme Court of Ohio, and that GM will submit certificates of good standing from the Clerk of the Supreme Court of Ohio. The motion to appear *pro hac vice* is hereby granted.

This matter is accepted for hearing. The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final

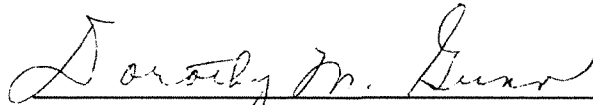
regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Petitioner has filed an open-waiver of the decision deadline in this matter.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition.

This order will not appear in the Board's opinion volumes.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of July, 1995, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board