

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1998

ST. CLAIR PROPERTIES)	
DEVELOPMENT, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 98-72
)	(Permit Appeal - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Yi):

On November 19, 1997, St. Clair Properties Development, Inc. (St. Clair) filed a petition for review of the denial of a construction permit regarding its facility located in St. Clair County, Illinois. On November 20, 1997, the Board found the petition deficient, but granted St. Clair 30 days to file an amended petition remedying the deficiencies. On December 22, 1997, the Board received St. Clair's amended petition for hearing. Also before the Board are two motions received on December 23, 1997, seeking *pro hac vice* admission of Henry Louis Sirkin and Laura A. Abrams to represent petitioner in this matter.

The motions for *pro hac vice* appearance are accompanied by copies of certificates issued by the Clerk of the Supreme Court of Ohio certifying that both Henry Louis Sirkin and Laura A. Abrams are in good standing with the Supreme Court of Ohio. Both certificates are dated August 18, 1997. The motions to appear *pro hac vice* are granted.

The matter is accepted for hearing. The amended petition cures the deficiencies noted in the November 20, 1997, Board order, and the petitioner has retained valid representation. 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 pursuant to 35 Ill. Adm. Code 101.105.¹ The Board will assign a hearing officer to conduct hearings consistent with this order and Section 103.125 of the Board's rules. The Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that a 21 day public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a

¹ As noted in the Board order of November 20, 1997, the statutory-decision deadline for the purposes of Section 40(a)(2) and (3) of the Act (415 ILCS 4/40(a)(2) and (3) (1996)) will be calculated from filing date of the amended petition. The amended petition was received on December 22, 1997. The statutory-decision deadline is, therefore, April 21, 1998.

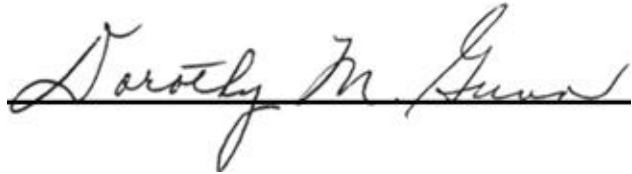
statement regarding credibility of witnesses, and all actual exhibits to the Board within five days of the hearing.

Any briefing schedule shall provide for final filings as expeditiously as possible. 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. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of January 1998, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board