

ILLINOIS POLLUTION CONTROL BOARD  
June 1, 1995

HARRIS MARCUS GROUP, INC.,            )  
  )  
    Petitioner,                         )  
  )  
    v.                                    )    PCB 95-156  
  )    (Variance-Air)  
  )  
  )  
ILLINOIS ENVIRONMENTAL                )  
PROTECTION AGENCY,                    )  
  )  
    Respondent.                         )

ORDER OF THE BOARD:

On May 26, 1995, the Harris Marcus Group, Inc. filed a petition for variance from 35 Ill. Adm. Code 218.204<sup>1</sup> regarding its facility located at 3757 South Ashland, Chicago, Cook County, Illinois. 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 Board will assign a hearing officer to conduct hearings consistent with this hearing, and 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 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

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<sup>1</sup>35 Ill. Adm. Code 218.204 was amended on May 9, 1995 (see R94-21). Since Harris Marcus Group, Inc. filed its petition for variance from this rule within twenty (20)-days of the effective date of this amendment, pursuant to 415 ILCS 5/38(b), the effectiveness of the amended portions of this rule, as they apply to petitioner, are stayed pending the disposition of this petition. Particularly under these circumstances, the parties and the hearing officer are directed to conclude this action as expeditiously as practicable.

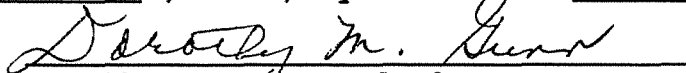
expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now September 25, 1995 (120 days from May 26, 1995); the Board meeting immediately preceding the due date is scheduled for September 21, 1995.

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 104.180) require the Agency to file its recommendation for disposition of the petition within 30 days of filing 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 1st day of June, 1995, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board