

ILLINOIS POLLUTION CONTROL BOARD  
July 21, 1994

BTL SPECIALTY RESINS )  
CORPORATION, )  
 )  
Petitioner, )  
 )  
v. ) PCB 94-160  
 ) (Permit Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by M. McFawn):

On May 26, 1994, BTL Specialty Resins Corporation (BTL) filed a petition captioned "Petition for Review of Final Hazardous Waste Determination." On June 2, 1994, the Board issued an order finding that petitioner failed to set forth a proper jurisdictional basis for their appeal, and directing petitioner to file an amended petition correcting this deficiency. The Board noted that failure to do so would subject BTL's petition to dismissal. On June 23, 1994 BTL filed an amended petition which sets forth the grounds on which BTL asserts there is proper jurisdiction. On July 15, 1994, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss, asserting that petitioner has failed to establish a proper jurisdictional basis for its appeal.

The time for BTL to respond to the Agency's motion has not yet expired. In order to avoid delay, this matter is accepted for hearing, pending resolution of the jurisdictional issue. The filing of the amended petition restarts the Board's decision timeclock, with the actual decision date now calculated as October 21, 1994. Accordingly, unless the decision deadline is waived by petitioners, the Board anticipates reaching a decision at its regularly scheduled meeting of October 20, 1994.

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.

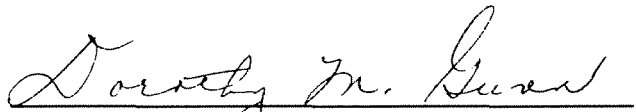
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be

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.

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.

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 11<sup>th</sup> day of July, 1994, by a vote of 6-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board