

ILLINOIS POLLUTION CONTROL BOARD
May 19, 1988

MARLEY-INGRID (USA), INC.,)
)
 Petitioner,)
)
 v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

PCB 88-17

ORDER OF THE BOARD (by B. Forcade):

This matter comes before the Board on the January 20, 1988 Amended Petition of Marley-Ingrid (USA), inc. ("Marley-Ingrid"). This petition appeals certain conditions imposed by the Illinois Environmental Protection Agency ("Agency") on December 11, 1987 on Marley-Ingrid's Closure Plan for its hazardous waste surface impoundment located in Lake Bluff, Illinois. Marley-Ingrid timely filed its original petition on January 15, 1988. Public hearings were held on April 20 and 27, 1988. The parties declined at the hearings to submit post-hearing briefs. This matter is currently due for an October 6, 1988 decision at that regularly-scheduled Board meeting. The current statutory deadline for decision in this matter is October 17, 1988.

The Board believes that a lack of final-briefings is particularly inappropriate in the context of most permit appeals. This is a permit appeal, and in such a proceeding, the parties bear a particular burden of proceeding before the Board. Such briefings are vital to the crystalization and final disposition of the issues involved. For these reasons, the Board directs the Petitioner to submit its post-hearing brief to the Board not later than June 22, 1988. The Agency shall submit its response brief not later than July 22, 1988. Any supplemental or reply briefs shall be filed no later than August 5, 1988.

The Board directs the parties' attention to the recent decision in Browning-Ferris Industries of Illinois, Inc. v. Environmental Protection Agency, PCB 84-136 (May 5, 1988). That proceeding involved an appeal from Agency modifications of a RCRA Closure and Post-Closure Care Plan. It should provide at least minimal guidance for the Board and the parties in the disposition of the issues in this current appeal.

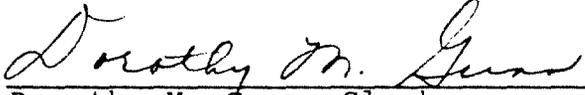
The parties shall submit post-hearing briefs and comply with the schedule described in this Order.

The Clerk of the Board shall forward copies of this Order to the attorneys of record together with copies of the May 5, 1988 Opinion and Order in PCB 84-136.

IT IS SO ORDERED

Chairman J.D. Dumelle dissented. Board Members Joan Anderson and John Marlin concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of May, 1988, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board