

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1993

CP INORGANICS,)
)
Petitioner,)
)
v.) PCB 93-140
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On October 14, 1993, the Illinois Environmental Protection Agency (Agency) filed a "Motion for Extension of Time to File Agency Record". On October 20, 1993, the Agency filed a motion to correct its prior motion and a renewed motion for extension of time to file. The first motion requested a 120 day extension for the filing of the Agency record and noted that the petitioner intended to file an open waiver. In its motion to correct the Agency notes that it has been informed by the petitioner that an open waiver will not be filed. The renewed motion for extension of time requests a 60 day extension for the filing of the Agency record. The Board grants the Agency's motion to correct its October 14, 1993 motion.

The record in this matter was due to be filed on October 15, 1993. The Agency requests an additional 60 day extension. The Agency notes that negotiations are ongoing between the petitioner and the Agency. The Agency maintains that substantial resources would be required to prepare and submit the record. On October 13, 1993, the petitioner filed an additional waiver of the Board's decision deadline. The waiver extended the decision deadline from February 1, 1994 until April 1, 1994.

The Board grants the Agency an extension for 60 days as requested by the Agency. The Agency record is now due to be filed on or before December 14, 1993.

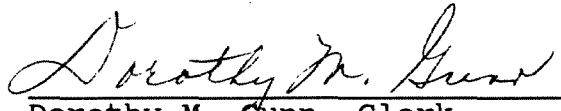
In addition the Board notes that a hearing schedule must be established at least 120 days before the decision deadline. Given the current decision deadline of April 1, 1994 hearings must be scheduled by December 2, 1993 or an additional waiver of the decision deadline must be provided. The Board notes that 120 days is required due to the notice requirements for the hearing and to allow adequate time for receipt and review of the transcript and any briefs by the Board before the decision deadline.

It is the responsibility of the petitioner to provide adequate waivers and proceed with the matter in a timely fashion,

yet not to cancel hearings after notice has been published without substantial justification. Failure to provide the Board with an adequate waiver or cancellation of noticed hearings may subject this matter to dismissal for want of prosecution.

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 21st day of October, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board