

ILLINOIS POLLUTION CONTROL BOARD
February 3, 1994

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 93-250
) (Enforcement)
 CLARK OIL & REFINING CORPORATION,)
)
 Respondent.)

ORDER OF THE BOARD (by E. Dunham):

Respondent filed a Motion for Severance with the Board on January 20, 1994 stating (in part) that a portion of Count IV of the Peoples' Complaint should be severed from docket PCB 93-250. The Complainant has not filed a response. Clark makes compelling arguments that the Board's mandate and the policy of the Act will be furthered by holding hearings in the Cook County area regarding alleged reporting violations at the Clark Blue Island facility. Clark appropriately states that one hearing in Madison County, about 275 miles from Blue Island, deprives the citizens of Cook County a reasonable opportunity to participate in the hearing process. Clark believes that this defect in the hearing process can best be cured by severing those allegations in Count IV that relate to the Blue Island facility.

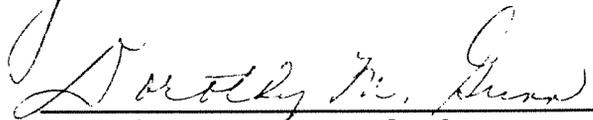
Though the Board cannot disagree that the People of the State will be better served by a hearing in Cook County, in the interest of administrative economy, the Board denies Clark's motion. The allegations in Count IV are factually identical for the Blue Island and the Wood River facilities. Creation of a separate docket for the Blue Island facility would require duplication of effort on the part of the Agency, the Attorney General, the Board and Clark.

The motion of Respondent for severance of Count IV for the Blue Island facility is denied.

The Hearing Officer in this case is ordered to hold at least one hearing in Cook County in this matter. At the Hearing Officer's discretion, the record at this hearing may be limited to the reporting allegations in Count IV of the Complaint relating to the Blue Island facility.

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 3rd day of February, 1994, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board