

ILLINOIS POLLUTION CONTROL BOARD

October 1, 1992

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant )  
 )  
v. ) PCB 90-89  
 ) (Enforcement)  
 ) (Consolidated)  
FRED JOHNSON, )  
JOHNSON & BRIGGS TANK TRUCK )  
SERVICE, a/k/a JOHNSON & )  
BRIGGS TANK TRUCK & HEATER )  
SERVICE, )  
 )  
Respondent. )

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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 91-123  
 ) (Enforcement)  
HERMAN L. LOEB, ) (Consolidated)  
 )  
Respondent. )

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on its own motion. These actions were initiated with the Board on May 1, 1990. On May 7, 1992, the Board entered an Order directing the hearing officer to schedule hearings in this matter by August 30, 1992 and to set a post-hearing schedule if necessary. The Board further stated that failure to comply with the schedule might render the case subject to dismissal for want of prosecution.

On August 14, 1992, the hearing officer informed the Board that the Agency planned to dismiss Respondent Briggs and had settled with Respondent Johnson; thus, the hearing officer canceled the previously scheduled hearings (hearing officer letter of August 12, 1992). No further filings have been made in this case since that time.

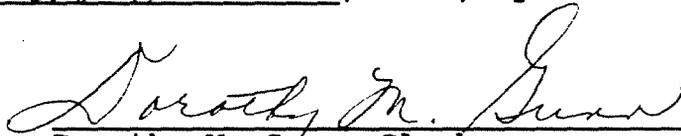
The Board notes with concern the substantial delays in the proceedings which have taken place in this case. In addition, the Board notes that the hearing officer letter of August 14, 1992 did not mention what, if any, action is to be taken with respect to Respondent Loeb.

0136-0205

The Agency is hereby ordered to file with the Board a stipulation and/or motion for dismissal with respect to Respondents Johnson and Briggs. The Agency is also ordered to file a report with the Board explaining the status of the case against Respondent Loeb, and a time frame for projected future actions in the case. These filings are due no later than October 30, 1992. Failure to file will render this proceeding subject 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 1<sup>st</sup> day of October, 1992, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0136-0206