

ILLINOIS POLLUTION CONTROL BOARD

May 9, 1991

JEFFERSON SMURFIT CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 88-175
) (Permit Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On May 3, 1991, Jefferson Smurfit Corporation ("Smurfit") filed a motion for continuance. That motion is referred to the Hearing Officer for disposition consistent with today's order.

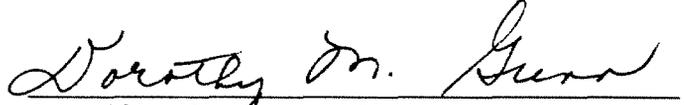
The permit contested here was issued on September 30, 1988; the permit appeal was filed on October 31, 1988. For more than 2 1/2 years this case has languished on the Board's docket. The only entries on the docket sheet from the parties during that lengthy period of time are repeated motions from Smurfit to continue hearing and waivers of decision deadline. On four separate occasions the Board has scheduled a hearing and published a newspaper notice of hearing as well as mailing notice of such hearing to elected state officials from that area. At Smurfit's request, none of those hearings were ever held. Four times the Board has expended its limited financial resources to provide notice for a hearing that never took place. Four times the Board has invited the public and elected officials to attend a hearing that never took place. The time for additional delay has passed.

The Board Orders that the Hearing Officer schedule and conduct all hearings necessary to complete this proceeding as soon as possible. In no event shall the completion of all hearings run beyond 120 days from the date of this Order.

IT IS SO ORDERED.

Board Members J. Anderson and R.C. Flemal dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 9th day of May, 1991, by a vote of 5-2.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board