

ILLINOIS POLLUTION CONTROL BOARD  
August 8, 1991

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

ORDER OF THE BOARD (by B. Forcade):

On July 18, 1991, Jefferson Smurfit Corporation ("Smurfit") and the Illinois Environmental Protection Agency ("Agency") filed a joint motion for continuance. That motion is denied.

In the prior order of May 9, 1991, the Board stated:

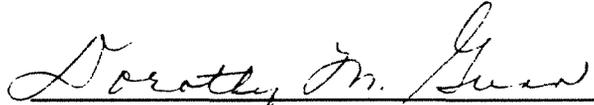
The permit contested here was issued on September 30, 1988; the permit appeal was filed on October 31, 1988. For more than 2 1/2 years this case has languished on the Board's docket. The only entries on the docket sheet from the parties during that lengthy period of time are repeated motions from Smurfit 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.

Today's motion for continuance was filed after the fifth notice of hearing was published. The sole reason cited for the continuance was continued negotiations which might lead to the filing of an adjusted standard or site-specific rule. Even if filed, neither proceeding would impact the propriety of the Boron limitations in Smurfit's 1988 permit. Even if such a proceeding were filed and diligently prosecuted it could take a year from the date of filing.

This matter will proceed to hearing as directed in the May 9, 1991 Order. Failure to complete the proceedings in that time frame will make this case 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 8<sup>th</sup> day of August, 1991, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board