

ILLINOIS POLLUTION CONTROL BOARD
April 11, 1991

IN THE MATTER OF:)
)
ELIZABETH STREET FOUNDRY, INC.) AS 89-2
an Illinois Corporation,) (Adjusted Standard)

ORDER OF THE BOARD (by J. D. Dumelle):

On February 27, 1991, the Board received a Motion for Rehearing and Other Relief, filed by the Petitioner, pursuant to the Board's procedural rules at 35 Ill. Adm. Code 103.240. In addition to rehearing, the Petitioner further moved to amend the pleadings to conform with the proof pursuant to 35 Ill. Adm. Code 103.210 and to supplement the record.

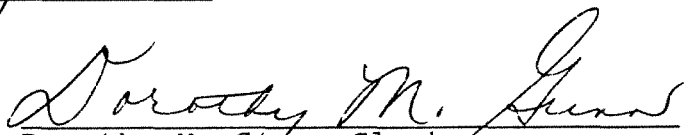
On April 1, 1991, the Board received a response from the Illinois Environmental Protection Agency (Agency). The Agency asks that the Board deny the motion by Petitioner and requests that if the Board does not deny the motion that the Board direct Petitioner to provide expert witnesses for cross-examination by the Agency at rehearing. The Agency stated in its response that: "the petition and record of this proceeding are so deficient that this matter will be more quickly resolved if the Petitioner simply starts anew." (Ag. Res. p. 3).

The Board notes that the Petitioner has filed a motion under the Board's procedural rules governing enforcement actions, not adjusted standard proceedings. Thus, the Petitioner has not filed the proper motions for a proceeding where an adjusted standard is being sought. The Petitioner more properly should have filed a motion for reconsideration of the Board's January 14, 1991 Opinion and Order pursuant to 35 Ill. Adm. Code 101.300. However, the time in which to file such a motion is passed. Therefore, the proper procedural path for the Petitioner is to file a new petition for an adjusted standard.

The Petitioner's Motion for Rehearing and Other Relief, is denied.

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 11th day of April, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board