

ILLINOIS POLLUTION CONTROL BOARD  
May 24, 1990

JAMES G. ESAREY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-170  
 ) (Permit Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon Petitioner's Waiver of Deadline for Decision filed May 14, 1990. The waiver extends the petitioners right to a decision in his case until October 31, 1990.

Petitioner filed his petition for review of permit denial on October 21, 1988. On November 18, 1988, the Illinois Environmental Protection Agency ("Agency") filed the administrative record. On November 28, 1988 Petitioner filed his first waiver of decision deadline to June 20, 1989, some 7 months later. In conjunction with that waiver, the petitioner filed a Motion to Reschedule Hearing for reason that discovery needed to be undertaken relative to the issues raised.

On November 13, 1989 Petitioner again filed a waiver of right to a decision. The waiver granted an extension of the decision deadline until April 30, 1990. On January 16, 1990, a third waiver was filed; this extension stretched the decision deadline until June 30, 1990.

On April 5, 1990 the Board received a filing from the Hearing Officer stating that the parties were negotiating settlement but that no firm date was given for final approval. On May 14, 1990 the Board received petitioner's fourth waiver of decision deadline. This is the filing currently before us.

It is now some 17 months since the petitioner first filed his permit appeal. During this entire time the Board has received nothing directly from the parties advising us as to the status of this case. In an effort to bring this matter to a conclusion, we direct the Hearing Officer to schedule this matter for hearing within 60 days. Failing that, the Board will consider dismissing this matter for want of prosecution.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above and Order was adopted on the 27<sup>th</sup> day of May, 1990 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board