

public domain. The second alternative would result in the Agency's decision being vacated and this matter being dismissed as moot. The third alternative would result in a final opinion and order by the Board on the substance of the claims raised in this controversy.

Notwithstanding the above articulated basis for denial, the Board wishes to supplement its Opinion with an aside note on the peculiar timing of the Monsanto motion. This matter was publicly listed for discussion at the September 8 and September 22, 1988 Board meetings. The case was ready for a final vote on October 6, 1988. Monsanto filed its motion for stay on September 30, 1988.

The Board believes that motions submitted in adjudicatory proceedings are inappropriate subsequent to the Board's public discussion of the articulated probable outcomes of a matter under review. The Board believes that public discussion of the merits of proceedings serves a valuable function in an open government. The Board frequently furthers that goal by extended and detailed debate of the facts, the law, and possible outcomes. The Board finds such discussions useful, but it feels that they should not become an opportunity for parties to forestall or challenge a probable outcome as soon as it is reasonably apparent, but prior to a Board vote. For that reason, the Board must discourage motions subsequent to the public discussion of adjudicatory matters.

IT IS SO ORDERED

Chairman J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6th day of October, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board