

ILLINOIS POLLUTION CONTROL BOARD  
June 22, 1989

OLD BEN COAL COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 89-42  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):

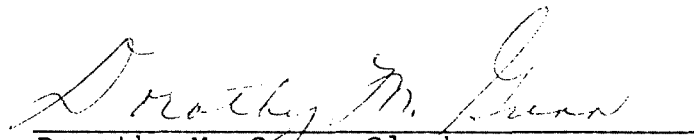
This matter comes before the Board upon a "Motion to Waive the September 1, 1989 Decision Limitation" filed June 13, 1989 by petitioner, Old Ben Coal Company ("Old Ben").

By this motion, Old Ben requests that the Board enter an order continuing the Board's decision date from September 1, 1989 to November 30, 1989 to allow time for discovery, a hearing and post-hearing briefing in this proceeding. The Board notes that its rules do not require that a motion requesting waiver of a decision date be filed with the Board. Rather, the Board accepts the filing of an informal statement of waiver of the decision date. The Board also notes that Old Ben incorrectly refers to a "decision" being rendered by the hearing officer. It is the Board, not the hearing officer, which possesses the authority to render decisions. (See, 35 Ill. Adm. Code 102.160.)

The Board directs the Clerk to adjust the decision date consistent with Old Ben's request.

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 22<sup>nd</sup> day of June, 1989, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board