

POLLUTION CONTROL BOARD
September 25, 1986

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant)
)
v.) PCB 86-108
)
JOLIET SAND AND GRAVEL COMPANY,)
)
Respondent.)

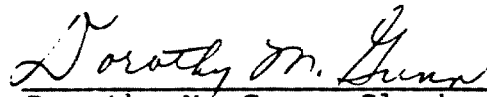
ORDER OF THE BOARD (by J. Anderson):

On September 17, 1986, Joliet filed a motion seeking sanctions against the Agency for failure to comply with the Hearing Officer's Order of August 29, 1986. (A motion to vacate this Order was denied by the Board September 11, 1986). The Agency filed a response in opposition on September 23. On September 24, Joliet filed a reply accompanied by a motion for leave to file instanter, which is hereby granted.

The motion for sanctions is denied as premature. Given that the Agency did produce discovery on the due date, and that Joliet's assertions are that the discovery is at variance with or incompletely responsive to the Hearing Officer's Order, Joliet should apply to the Hearing Officer for a finding as to whether the Agency is in compliance with the Order prior to requesting sanctions for non-compliance.

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 25th day of September, 1986, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board