

ILLINOIS POLLUTION CONTROL BOARD
January 26, 1984

INLAND STEEL CONTAINER)
COMPANY, a Division of)
Inland Steel Company,)
)
Petitioner,)
)
v.) PCB 83-133
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board upon January 17, 1984 motion for substitution of the petitioner filed on behalf of the Inland Steel Container Company (Inland). That motion was purportedly granted by the hearing officer on January 19, 1984. However, while not specifically stated in the Board's Procedural Rules, the Board concludes that its hearing officers are without the power to rule upon such motions in that the substitution of a party is tantamount to the joinder of one party (which is within the hearing officer's power) and the dismissal of another (which is not within the hearing officer's power). The Board, therefore, must rule upon the motion.

Assuming the facts stated in the motion to be true, the motion is, hereby, granted. However, there is no affidavit attesting to the truth of the facts alleged in that motion as required by 35 Ill. Adm. Code 103.140(b). The motion to substitute is, therefore, allowed contingent upon the filing of an amended petition (which may incorporate any and all filings in this matter to date), properly captioned with the new petitioner's name and the existing docket number (PCB 83-133). If any presently filed documents are incorporated by reference, such incorporation shall be accompanied by an affidavit that the truth of those matters remain unchanged or shall indicate which facts have changed. Assuming that these actions are taken, no further Board order concerning this motion will be necessary, and the case may proceed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 26th day of January, 1984 by a vote of 7-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board