

ILLINOIS POLLUTION CONTROL BOARD  
January 7, 1988

USI CHEMICAL, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 87-149  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):

Among the issues in this action is a challenge to the validity of the Board regulation underlying this permit appeal. On November 25, 1987, the Board issued an Order requiring the parties to present briefs by December 16, 1987 "concerning the burdens of proof, standards of review and relevant evidence to be considered" at the hearing to be held in this matter. No briefs were filed.

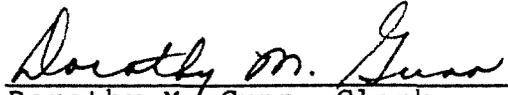
However, on December 18, the Agency filed a motion for extension of time which recites that it had been advised by USI that USI would move for postponement of briefing until after hearing. The Agency opposed any such request from USI, but also asked the Board to grant it an extension similar to any granted to USI.

USI has made no motion.

The Board issued its November 25 Order so that the scope of issues and information to be presented at hearing could be clarified and hearing time minimized; this objective is hardly served by post hearing submittals. The parties shall file responses to the Board's November 25, 1987 Order no later than January 27, 1988. In the event that either party fails to so file, the Board will consider issuance of appropriate sanctions.

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 7<sup>th</sup> day of January, 1988, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board