

ILLINOIS POLLUTION CONTROL BOARD  
June 30, 1983

WILL COUNTY DEVELOPMENT INC., )  
 )  
 ) Petitioner, )  
 ) PCB 82-132  
 v. ) 82-133  
 )  
 BOARD OF COMMISSIONERS OF WILL COUNTY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On June 16, 1983, the Board reserved judgment on the intervenors' June 7 motion for interlocutory review of a hearing officer order which would result in the filing of briefs in this matter some 9 months after the hearing in these matters, which was held December 28, 1982. The Board ordered petitioner to provide certain information, and to file the December hearing transcript.


On June 24, petitioner's attorney moved for leave to withdraw from this action, as differences in opinion had arisen between him and his client. The motion is granted.

In its June 24 response to the Board's Order, petitioner requested that the hearing officer's order be affirmed, and that it be allowed to postpone the filing of the transcript until the date set by the hearing officer for filing of its final brief.

The Board cannot determine the merits of the intervenor's motion without reviewing the hearing transcript, which should have been filed on or about January 11, 1983 pursuant to Section 105.104 of the Board's Procedural Rules. If the hearing transcript is not filed on or before July 1, these appeals may be subject to dismissal. While the statutory decision period, and the ability to waive it, runs in the petitioner's favor, the petitioner also has a duty to proceed with its appeal as expeditiously as is practicable, which includes timely filing of transcripts.

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 30<sup>th</sup> day of June, 1983 by a vote of 40.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board