

ILLINOIS POLLUTION CONTROL BOARD
March 21, 1984

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 83-17
)
RUSSELL BLISS et al.,)
)
Respondents.)

ORDER OF THE BOARD (by B. Forcade):

On February 27, 1984 Respondent Russell Bliss filed a motion to dismiss on the grounds that the Hearing Officer had failed to schedule a hearing within 90 days of the filing of the complaint as required by 35 Ill. Adm. Code 103.125. The hearing was held on January 4, 1984, more than 90 days after the complaint was filed on February 4, 1983.

The appropriate remedy for failure to comply with Section 103.125 would have been to request the Board to order a hearing to be set. No such request was ever made, and no prejudice has been alleged as a result of the delay in setting a hearing. Now that the hearing has been concluded, the motion is moot, and will be denied.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of March, 1984 by a vote of 5-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board