

ILLINOIS POLLUTION CONTROL BOARD
December 1, 2005

WILLIAM BREUER,)	
)	
Petitioner,)	
)	
v.)	PCB 06-25
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

HEARING OFFICER ORDER

On November 29, 2005, petitioner's attorney faxed a motion for a second continuance of the hearing set for December 1, 2005 on the grounds that respondent still had not filed the administrative record. Respondent did not object to continuing the hearing, but stated that petitioner had everything in the record except for several letters respondent had sent to petitioner of which petitioner should be aware.

The hearing officer was unable to reach the petitioner's attorney on November 30, 2005 to discuss the continuance. The hearing officer was finally able to reach both parties at 10:00a.m. on December 1, 2005, thirty minutes before the hearing was set to begin. At that time, petitioner's representatives from USI decided that they now wanted the hearing moved to Washington County. The hearing officer denied the request on the grounds that notice was too short, and petitioner was not willing to waive the deadline for a sufficient amount of time to make the hearing officer comfortable with the request. Additionally, the request to cancel the hearing did not meet the requirements of Section 101.510 of the Board's procedural rules (35 Ill. Adm. Code 101.510).

On December 1, 2005, the hearing was continued to January 20, 2006 in Springfield. Petitioner faxed an additional waiver to May 17, 2006 which would require the Board to decide this matter at its meeting on May 4, 2006.

IT IS SO ORDERED.

Carol Webb

Carol Webb
Hearing Officer
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 1, 2005, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on December 1, 2005:

Dorothy M. Gunn
Illinois Pollution Control Board
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