

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1989

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Petitioner,)	AC 89-171
)	(Administrative Citation)
v.)	IEPA Case No. 9806-AC
)	
CITY OF PAXTON,)	
Respondent.)	

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on an October 16, 1989 motion to proceed to decision by submittal of written legal argument to the Board without hearing. The motion was submitted by the Illinois Environmental Protection Agency (Agency).

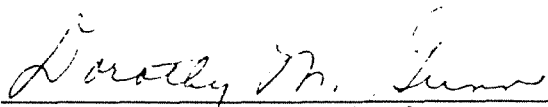
In support of its motion, the Agency stated that all "material factual evidence necessary to frame the legal issue, which legal issue is the only issue disputed in this cause" has been set forth and acknowledged in the City of Paxton's Petition for Review. Therefore, if a hearing were held, the Agency would have no factual evidence to present at the hearing. The Agency also noted that granting of its motion would reduce expenditures for the parties and the Board.

On November 13, 1989, the City of Paxton (Paxton) filed an answer to the Agency's motion which stated that Paxton had no objections to having the case decided by submission of written argument without hearing.

The motion to proceed to decision by submittal of written legal argument to the Board without hearing is granted. The Board construes the Agency's motion as requesting summary judgment after the submission of written argument. The Board grants this motion without deciding the merits of the cause. The Agency's brief is to be received at the Board's offices by December 27, 1989. The City of Paxton's brief is to be received at the Board's offices by January 10, 1990.

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 6th day of December, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board