

ILLINOIS POLLUTION CONTROL BOARD
March 19, 1982

SOURS GRAIN COMPANY,)
)
) Petitioner,)
)
) v.) PCB 79-210
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by I. Goodman):

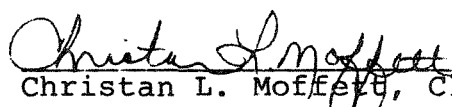
On February 24, 1982 Petitioner moved for Reconsideration of the Board's January 21, 1982 Order which dismissed this matter with prejudice. Despite the noteworthy objections entered by the Illinois Environmental Protection Agency, Petitioner's motion is granted.

Petitioner sought twice to continue the public hearing in this variance proceeding. The hearing officer granted Petitioner a bifurcated hearing, and the Board found no allegations of harm to Petitioner sufficient to overrule its hearing officer or delay the public hearing as scheduled. It should be noted that both motions were procedurally defective. Twice denied, Petitioner withdrew its variance petition four days before the scheduled public hearing. As a sanction for the abuse of its Procedural Rules, the Board dismissed this cause with prejudice.

This being the first instance that the Board has had to sanction such activity, justice will be tempered with mercy. Such conduct is reprehensible and will not be tolerated in the future. For the sake of the Petitioner, and not its attorneys, this matter is reinstated.

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 19th day of March, 1982 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board