

ILLINOIS POLLUTION CONTROL BOARD  
May 6, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-280  
 )  
 )  
 ZEIGLER COAL COMPANY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

A Motion for Leave to File Interlocutory Appeal was filed with the Board on April 26, 1976 by the Respondent herein. Respondent request permission to appeal an Order by the Hearing Officer dated April 5, 1976, which requires Respondent to answer Complainant's interrogatories filed on January 28, 1976. Prior to the Order of April 5, 1976 by the Hearing Officer herein, the Board was requested by said Hearing Officer to rule on a propriety of the interrogatories under Rule 206(a)(7) of the Procedural Rules. Briefs were submitted and on April 8, 1976, three days subsequent to the Order of the Hearing Officer herein, the Board struck interrogatories numbers 3, 6, 7, 8, 9, 12, and 13 as being beyond what is necessary for the purpose intended. In the Order of April 8, 1976, the Board also ordered the Respondent to respond to the remaining interrogatories in such manner as shall be determined by the Hearing Officer herein.

It is obvious that the conflicting Orders of the Hearing Officer herein and the Board, dated April 5, 1976 and April 8, 1976 respectively, have resulted in a confused situation. The April 5, 1976 Order of the Hearing Officer herein is hereby overruled. The Board Order of April 8, 1976, is reaffirmed and the parties herein are ordered to conform to said Order. Respondent's Motion for Leave to File Interlocutory Appeal is denied.

IT IS SO ORDERED.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6<sup>th</sup> day of May, 1976 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board