

ILLINOIS POLLUTION CONTROL BOARD
May 26, 1977

ENVIRONMENTAL PROTECTION AGENCY)
and CITIZENS FOR A BETTER)
ENVIRONMENT,)
Complainants,)
v.) PCB 76-242
INTERLAKE, INC.,)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On May 10, 1977, Interlake filed a Motion with the Board to Vacate the Order of the Hearing Officer made on April 19, 1977. That Order arose out of two requests by the Intervenor in the present cause.

On March 11, 1977 CBE filed with the Hearing Officer "Motion to Take Pictures". The Motion was granted on March 16, 1977, the same date CBE intended to photograph the Interlake facility. Interlake orally objected on that same day. April 13, 1977 CBE sent a letter to Interlake requesting permission to take certain "photo sequences". Six days later, April 19, the Hearing Officer ordered Intervenor be allowed to photograph the facility. This Motion to the Board to vacate that Order was filed on May 10. In the Motion, Interlake contended that the Hearing Officer's Order permitted actions which were not properly a subject of discovery and that the Hearing Officer did not follow the procedural requirements in granting CBE's Motion.

The Board grants Interlake's Motion to Vacate the Hearing Officer's Order of April 19, 1977. Under new Procedural Rule 308(c) a party is given seven (7) days in which to respond to a motion. However, the Hearing Officer ruled on CBE's Motion prior to allowing sufficient time for response. Therefore, because of the failure to follow the Board's Procedural Rules, the Board remands the matter to the Hearing Officer for further consideration in accordance with this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 26th day of May, 1977 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board