

ILLINOIS POLLUTION CONTROL BOARD  
April 26, 1979

THE CELOTEX CORP., )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 78-177  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

On April 9, 1979, the Environmental Protection Agency (Agency) filed a Motion for Sanctions requesting sanctions against The Celotex Corp. (Celotex). The Agency alleged that Celotex had violated an Order of the Hearing Officer by not answering Interrogatories nor producing requested documents. The Agency also filed a Motion requesting the Hearing Officer to close discovery and set a date for hearing. Celotex filed an Opposition to Motion for Sanctions on April 12, 1979, and the Agency filed a Motion to Strike Celotex's Opposition on April 11, 1979. On April 17, 1979, an Order of the Hearing Officer was filed with the Board. That Order addresses several issues raised by the parties in the various pleadings before us and orders that discovery be closed at 4:00 p.m. on April 27, 1979.

Because a controversy existed as to whether the parties had fulfilled their obligations under the Hearing Officer's January 23, 1979, Order, which controversy has now been resolved by the Hearing Officer's April 17 Order, the Board finds that sanctions are not warranted. The Motion for Sanctions is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 26<sup>th</sup> day of April, 1979 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board