

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1979

AMAX COAL COMPANY, Division of)
AMAX, Inc.,)
)
Petitioner,)
)
v.) PCB 79-92, -93, -94, -97
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Young):

Petitioner has requested Board review of the Hearing Officer's Order of July 31, 1979, which denied a Motion to Compel Discovery. As a basis for the Motion, Petitioner suggests: ". . . AMAX finds itself faced with a denial of its discovery request based entirely upon two past Pollution Control Board cases neither of which were provided to AMAX for its inspection nor are readily available in the public libraries. In short, AMAX finds itself in the unenviable position of being bound by a body of private law that is not readily available for AMAX's perusal and which has not been provided by counsel for IEPA despite a request that this be done."

The Board finds the position of the Petitioner unusual, to say the least. Rule 107 of the Board's Procedural Rules provides that copies of Opinions and Orders of the Board are available upon request. Additionally, the Board maintains files containing all information submitted to or produced by the Board or any of its members relating to matters within the Board's jurisdiction and all such files are open to reasonable public inspection and copying.

The Respondent, through a response filed August 28, 1979, has agreed to provide copies of Board decisions to the Petitioner. However, the Board finds no reason to delay a ruling on the Motion to reverse the Hearing Officer's Order of July 31, 1979; Petitioner's Motion 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 6th day of September, 1979, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board