



makes no provision as to the consequences of the failure to so schedule a hearing. Dismissal of an action because of failure to comply with this Rule is not specifically provided, nor can such result be inferred. While our Rule is geared to assure speedy hearing and disposition of enforcement cases, it is silent on the consequences of failure to meet the time schedule. We cannot conclude that dismissal of the action is the consequence of failure to set the trial date within the 60-day period. Indeed, were we to so hold, we would deprive the Complainant and Respondent of a hearing without fault on their part, and would be violating the basic statute which directs that hearings be held on all complaints filed by the Agency. Section 31(a). Such a construction would, in effect, constitute a statutory amendment which obviously cannot be done by a Board regulation.

IT IS THE ORDER of the Pollution Control Board that the Motion to Dismiss be and the same is hereby denied.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 17 day of January, 1972 by a vote of 5-0.

Christan L. Moffett