

ILLINOIS POLLUTION CONTROL BOARD

February 1, 1996

HARRIS MARCUS GROUP, INC.,	)	
	)	
Petitioner,	)	
	)	PCB 95-156
vs.	)	(Variance-Air)
	)	
THE ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G. T. Girard):

On January 10, 1996, the Illinois Environmental Protection Agency (Agency) filed a motion for expedited hearing and expedited decision with the Board. On January 19, 1996, the Board received a response from the petitioner. On January 29, 1996, the Agency filed a "response to the petitioner's response". In effect, the Agency filed a reply. The Board's regulations do not allow for a reply as a right; therefore, the Board strikes the "response to the petitioner's response". (See 35 Ill. Adm. Code 101.241(c).)

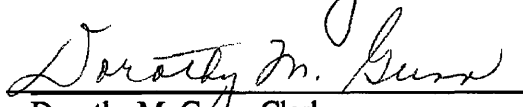
The Agency requests that the Board hearing be scheduled so that the Board's final decision can be made by March 15, 1996. The time required for hearing notice, post-hearing briefing schedule, and Board deliberation does not allow a March 15, 1996, decision by the Board. Therefore, the Agency's motion is denied.

However, the Board will direct the hearing officer in this matter to set this case for hearing within the next 14 days. The Board further directs the hearing officer to hold the hearing, schedule filing of briefs and complete the record so that the Board may make a decision in this case by May 16, 1996. The Board notes that the current decision due date in this proceeding is September 30, 1996.

IT IS SO ORDERED.

Chairman Claire A. Manning dissents.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 1<sup>st</sup> day of February, 1996, by a vote of 6-1.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board