

ILLINOIS POLLUTION CONTROL BOARD  
November 2, 1989

GENERAL MOTORS CORPORATION, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-193  
 ) (Variance)  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

Hearing in this variance action is presently scheduled for November 8, 1989. On October 23, 1989, the Agency moved for an extension of time in which to file its Recommendation through November 3, 1989, asserting the need for time in which to analyze modeling data which it received from petitioner via telefax on October 19.

On October 27, General Motors filed a motion for continuance of the hearing, asserting that to hold a hearing without benefit of the Agency's Recommendation does not serve the public interest. GM further asserts that it has requested variance to allow it time to study its non-complying cupola emissions for the purpose of bringing them into compliance, and that the current status of its discussions with the Agency is that the Agency wishes GM to perform additional preliminary studies. GM further states that given these circumstances, it also seeks a continuance to allow it time to decide whether to dismiss this proceeding and to pursue regulatory relief.

While GM's motion was directed to the Hearing Officer, the Hearing Officer referred it to the Board by letter of November 1.

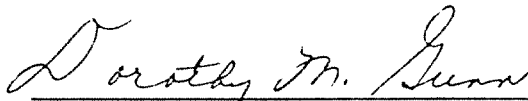
The Agency's motion for leave to file its Recommendation on or before November 3 is granted. The Board notes that this gives GM two business days in which to analyze the data prior to the scheduled November 8 hearing. The Board further notes that hearing has already been cancelled once while the parties were exchanging information. While the Board does not favor the cancellation of scheduled hearings, under these circumstances the Board will grant GM's motion in the interests of avoiding unnecessary hearings. It would appear likely that hearing may not be completed on November 8 if begun that day, given the shortness of time available for GM to formulate and prepare any

response to the Agency's Recommendation, resulting in two hearing days. Additionally, no hearing may be necessary in this matter if GM chooses to dismiss its petition. This is, however, the last continuance which the Board will allow in this case. The Hearing Officer is directed to expeditiously reschedule hearing in this matter.

IT IS SO ORDERED.

Board Members B. Forcade and J.T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 2<sup>nd</sup> day of November, 1989, by a vote of 4-2.



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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board