

ILLINOIS POLLUTION CONTROL BOARD

November 7, 1996

IN MATTER OF:	)	
	)	
PETITION OF THE ENSIGN-BICKFORD	)	AS 97-4
COMPANY FOR AN ADJUSTED	)	(Adjusted Standard - RCRA)
STANDARD FROM 35 ILL. ADM. CODE	)	
703.183	)	

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

On September 5, 1996 this adjusted standard petition was filed by the Ensign-Bickford Company (EBC). On September 30, 1996, EBC filed its certification of publication indicating that notice of the petition for adjusted standard was published on September 2, 1996, in the Gazette Democrat. The Illinois Environmental Protection Agency (Agency) on October 15, 1996 filed its response to the petition. On October 30, 1996, EBC filed a motion for leave to file a reply to the Illinois Environmental Protection Agency response. This motion is granted and EBC's reply is accepted. The Board accepts the petition for adjusted standard for hearing.

This is a type of case for which the Illinois Environmental Protection Act (Act) prescribes no deadline for decision, although as in noted the Act, petitioner must timely pursue disposition of the petition. Therefore, hearing must be scheduled and completed in a timely manner, consistent with Board practices and 35 Ill. Adm. Code Part 101 and Part 106, Subpart G. A hearing officer will be assigned to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order. The hearing officer shall schedule a hearing to allow for the filing of the Agency response.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board