

ILLINOIS POLLUTION CONTROL BOARD

August 15, 1996

THE D.B. HESS COMPANY, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-194
)	(Variance - Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on an amended petition for variance filed by petitioner D.B. Hess Company, Inc. (D.B. Hess) on August 1, 1996. D.B. Hess seeks a variance from the requirements of the Board's lithographic printing rules found at 35 Ill. Adm. Code 218.407(a)(1)(C), (D) and (E), 218.411(b)(1), (2), and (3), the related regulation at 35 Ill. Adm. Code 201.141, and Sections 9(a) and (b) of the Environmental Protection Act (415 ILCS 5/9(a) and (b)) (Act), as they relate to three of its lithographic printing presses located at its facility in Woodstock, McHenry County, Illinois. The three presses for which D.B. Hess is seeking the variance consist of one ATF press and two Harris heatset web offset lithographic presses, and are identified as Presses 3, 4, and 5.

On April 4, 1996, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss D.B. Hess' original petition for variance filed on March 15, 1996. Due to the filing of the amended petition, that motion is moot. The Agency can address any outstanding objections in its recommendation.

This matter is accepted for hearing. The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

20, 1996; the Board meeting immediately preceding the due date is scheduled for December 19, 1996.

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. The Board notes that Board rules (35 Ill. Adm. Code 104.180) require the Agency to file its recommendation for disposition of the petition within 30 days of filing of the petition.

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 _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board