

ILLINOIS POLLUTION CONTROL BOARD  
December 7, 1995

ALLIED TUBE & CONDUIT )  
CORPORATION, )  
 )  
Petitioner, )  
 )  
v. ) PCB 96-108  
 ) (Permit Appeal-Air)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by M. McFawn):

On November 16, 1995, Allied Tube & Conduit Corporation filed a petition for permit review regarding its facility located in Harvey, Illinois. Included in its permit appeal is a request that the Board stay the challenged terms of the permit. No response to this request has been filed by the Illinois Environmental Protection Agency (Agency). Accordingly, we direct the Agency to respond to the request for stay within 14 days of the date of this order.

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.

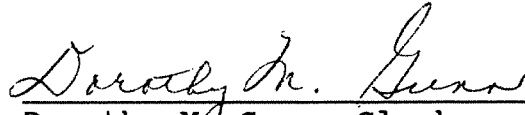
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses 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 and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now March 16, 1996 (120 days from November 16, 1995); the Board meeting immediately preceding the due date is scheduled for March 7, 1996.

We note that on December 4, 1995, the Illinois Environmental Protection Agency (Agency) filed a motion to extend time to file the Agency record in this matter. We direct that motion to the assigned hearing officer.

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 7<sup>th</sup> day of December, 1995, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board