ILLINOIS POLLUTION CONTROL BOARD January 7, 1993

ALICE ZEMAN, TONY BERLIN, RICHARD ZILKA, MICHAEL TURLEK, KEVIN GREENE,	
Petitioners,	
v.) PCB 92-174) (Landfill Siting)
VILLAGE OF SUMMIT AND WEST SUBURBAN RECYCLING AND ENERGY CENTER, INC.,) (Consolidated with) PCB 92- 177)
Respondents.)	
DONNA QUILTY,	<u>`</u>
Petitioner,	
ν.)) PCB 92-177
BOARD OF TRUSTEES AND MAYOR OF THE VILLAGE OF SUMMIT AND WEST SUBURBAN) (Landfill Siting)) (Consolidated with) PCB 92-174)
RECYCLING & ENERGY CENTER, INC.,	
Respondents.)
ORDER OF THE BOARD (by G.T. Gira	rd):
Zilka, Michael Turlek, Kevin Gre	Zeman, Tony Berlin, Richard ene, and Donna Quilty uesting the Board to sanction the

In their motion, petitioners request that the Board order the Village to immediately file the certified record, stay the proceedings until the Village complies with the Board's November 19, 1992 order, and provides petitioners a period of time to review the record prior to hearing equal to the time it would have had if the Village had timely complied with the Board's November 19, 1992 order. In support of their request, petitioners assert that a certified copy of the record has not been filed by the Village as of the date of the filing of the motion. Petitioners claim that, as a result of such failure, they are unable to review the certified record in anticipation of

Village of Summit for its failure to comply with the Board's November 19, 1992 order. The Village has not yet filed a

response to the motion.

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hearing and thus, are being denied a fair and meaningful hearing.

Although the response time to the petitioners' motion has not yet expired, the Board will rule on the motion to prevent undue delay. 35 Ill. Adm. Code 101.241(b). In its November 19, 1992 order, the Board set this matter for hearing and directed the Village to prepare and fike the record on appeal no later than December 10, 1992. On December 17, 1992, however, the Board issued an order directing the Village to file the record on or before January 4, 1993.

A review of the Clerk's files shows that the Village's attorney filed a portion of the record on January 4, 1993, and the remainder of the record on January 5, 1993. The Board notes, however, that the January 5, 1993 filing was not accompanied by a motion for leave to file the record instanter. The Village also has failed to file a certification of the record. The Board directs the Village to file the required motion and certification at the January 7, 1993 hearing. Because the hearing begins on January 7, 1993, and the Board's February 25, 1993 decision deadline has not been waived, the Board is unable to cancel the hearing or give petitioners additional time to review the record. Accordingly, the Board denies petitioners' motion for sanctions.

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 $\frac{76}{20}$ day of $\frac{1}{20}$ day of $\frac{1}{20}$.

On. hin

Dorothy M. Sunn, Clerk Illinois Pollution Control Board

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