

ILLINOIS POLLUTION CONTROL BOARD  
May 7, 1992.

ROCKFORD PRODUCTS CORPORATION,) )  
 ) )  
Petitioner, ) )  
 ) )  
v. ) ) PCB 91-31  
 ) ) (Permit Appeal)  
 ) )  
ILLINOIS ENVIRONMENTAL ) )  
PROTECTION AGENCY, ) )  
 ) )  
Respondent. ) )

ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on a motion to reconsider the Board's April 9, 1992, order filed on April 24, 1992. The motion ask that the Board vacate its April 9, 1992 order which directed the hearing officer to schedule this matter for hearing by May 11, 1992, and to finish all hearings by July 15, 1992.

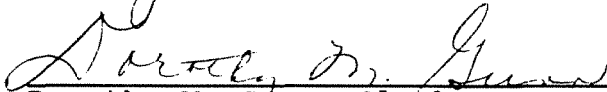
The motion to reconsider states that the Board failed to follow its own procedural rules by taking action on the Board's own motion without providing the parties an opportunity to reply. Further, the motion states that the April 9 order was "improperly entered in contravention of the Board's own rules." The Board is not a party to this action; therefore, the Board is not subject to the procedural rules. Further, the Board is at a loss to understand the implication, by the movant, that the Board lacks the authority to control its own docket. The Board rejects these arguments as being without merit. (See also Heico, Incorporated v. Illinois Environmental Protection Agency, PCB 90-196, April 23, 1992).

This case was originally filed 14 months ago and prior to this motion, the parties had taken no action on the record other than to waive decision deadline to a date certain. The motion indicates that the parties are continuing to negotiate a potential settlement in this matter. Therefore, the Board will reconsider its order of April 9, 1992 and the Board will vacate the order setting this case for hearing by July 15, 1992. However, the Board will not grant the 60 day extension requested in the motion as such a delay would not allow sufficient time for hearings to be held prior to the October 31, 1992 decision deadline. Therefore the Board directs the parties to submit a status report to be received by the Board no later than August 1, 1992. The Board notes that the August 1 date will allow the Board the time necessary to hold a hearing prior to the October 31, 1992 decision deadline, if a hearing is necessary.

IT IS SO ORDERED.

Board Member B. Forcade concurs.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19 day of May, 1992, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board