

ILLINOIS POLLUTION CONTROL BOARD
March 3, 1994

SAFETY-KLEEN CORP.,)
(URBANA FACILITY),)
)
Petitioner,)
)
v.) PCB 93-138
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by E. Dunham):

In an order dated February 17, 1994, the Board ordered Safety-Kleen to show cause why this matter should not be dismissed due to Safety-Kleen's failure to appear at hearing. Safety-Kleen filed its response on February 28, 1994.

Safety-Kleen reports that a motion for continuance was filed on November 19, 1993 with the wrong docket number. As the date of the scheduled hearing drew near and no response to the motion for continuance was received, Safety-Kleen discussed the situation with the Illinois Environmental Protection Agency (Agency). The parties agreed that the attorney for the Agency would attend the hearing in Urbana and explain the situation. The Agency attorney did attend the hearing and noted that a motion for continuance was filed with a different docket number.

Safety-Kleen also apologized for the confusion and inconvenience created and stated that it is willing to reimburse the Board for the cost of the hearing. However, Safety-Kleen does not believe dismissal is warranted based on its good faith effort to continue the hearing in advance.

Safety-Kleen reports that the parties have discussed the issues in this appeal and agreed that these issues will be addressed through the issuance of the Part B permit in the very near future. Safety-Kleen is ordered to submit a status report to the Board relating the progress of settlement of the issues in this matter. The status report is to be filed with the Board on or before May 6, 1994.

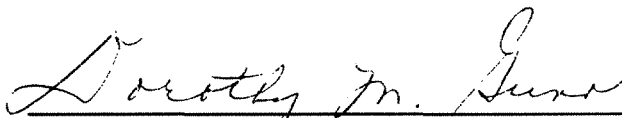
Based on Safety-Kleen's response the Board will not dismiss this matter. As petitioner has shown cause why this docket should not be dismissed, and agreed to reimburse the Board for hearing costs, the Board orders Safety-Kleen to reimburse the Board for hearing costs. The costs incurred by the Board for the hearing officer, court reporter and publication totalled four hundred-thirty-one dollars and thirty-six cents (\$431.36).

It is hereby ordered that within 30 days of the date of this order, Safety-Kleen shall, by certified check or money order payable to the Illinois Pollution Control Board, pay as compensation for hearing costs incurred by the Board, the amount of \$431.36 which is to be sent by first class mail to:

Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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 3rd day of March, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board