

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1993

REICHHOLD CHEMICALS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 92-165
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B. Forcade):

On March 11, 1993, the Board granted Reichhold Chemical's (Reichhold) motion for a 120 day extension of the stay in this matter. The Board granted a stay until June 25, 1993. In a March 25, 1993 order the Board mistakenly stated that the matter was stayed until October 25, 1993. October 25, 1993 is the current decision deadline in this matter. The Board granted the stay only until June 25, 1993

A December 3, 1992, hearing officer order scheduled a hearing in this matter for April 12, 1993. On the date of the scheduled hearing only the hearing officer appeared at the hearing. After contacting the parties, it was determined that the parties believed that because the matter was stayed the hearing was cancelled. Neither the motion for stay nor the Board's orders directly mentioned the scheduled hearing or the effect of the stay on the hearing. The parties took no formal action to cancel the hearing and did not contact the hearing officer or the Board concerning the status of the scheduled hearing.

This a deadline case which has been before the Board for less than six months in which the petitioner has filed 3 limited waivers and two motions to stay. Further, the petitioner did not formally cancel a scheduled hearing. The continual filing of limited waivers and the cancellation of hearings taxes the administrative resources of the Board. Further, the cancellation of a hearing that has already been noticed in newspapers of general circulation wastes the Board's resources and misinforms the public.

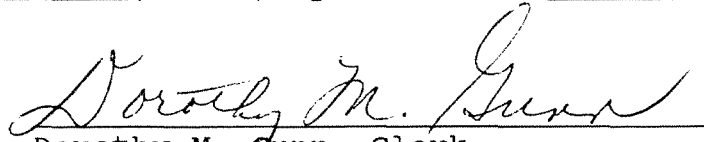
To allow adequate time for the filing of briefs and Board deliberation before the deadline, the Board requires that hearings be scheduled approximately 120 days prior to the decision deadline. It is the responsibility of the petitioner to provide adequate waivers and proceed with the matter in a timely fashion, yet not to cancel hearings after notice has been published without substantial justification.

Failure to provide the Board with an adequate waiver or cancellation of noticed hearings may subject this matter to dismissal for want of prosecution.

The parties have been ordered to file status reports with the Board on or before June 25, 1993.

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 22nd day of April, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board