

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1990

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 90-61
) (Enforcement)
)
 DURACO, INC., a Delaware)
 Corporation,)
)
 Respondent.)

ORDER OF THE BOARD (by J. C. Marlin):

This matter is before the Board on Respondent Duraco, Inc.'s Motion to Stay Hearing filed October 12, 1990. The motion was directed to the Board. The motion requests a stay of the hearing scheduled in this matter for November 14, 1990 "in order to permit settlement negotiations to be concluded." Respondent also requests additional time in which to file an Answer to the Complaint.

The Board has allowed stay of hearing in matters where both parties have asserted that matters will be settled and have presented the Board with a firm date for their completion or have submitted a draft, unexecuted stipulation of settlement. However, Duraco requests the Board stay this matter because the two sides "remain optimistic that a settlement can be reached." This optimism stems from an "amiable and frank" discussion with representatives of Complainant held August 21, 1990. Given the amount of time that has elapsed since the August 21, meeting, and the fact that no result has come of it, the Board is curious as to the source of respondent's optimism. The Board considers these vague hopes an insufficient reason to delay the prosecution of this action. The Board also notes that two hearings have previously been set and cancelled in this matter. The motion to stay hearing is therefore denied.

The motion for extension of time to file an Answer is also denied. Respondent presents no reason to support its request that the filing of its Answer be delayed until 30 days prior to hearing. The Board notes that this is the third time a motion to extend the time for filing an Answer has been presented to the Board. Duraco, Inc. is hereby ordered to file its Answer within 14 days.

The motion filed by Duraco, Inc. relating to discovery is hereby referred to the Hearing Officer for disposition.

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 8th day of November, 1990 by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board