

ILLINOIS POLLUTION CONTROL BOARD
September 5, 1985

CLASSIC FINISHING CO., INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 84-174
)	Docket B
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

On August 26, 1985, the Agency moved for an extension of time until September 20, 1985 to file an amended Recommendation in this matter, citing its need to make a decision whether to issue the Alternative Control Strategy permit which Classic had proposed as part of its compliance plan. Classic filed a response in opposition August 29, stating that further investigations and calculations had been made since the filing of its most recent petition. Classic stated that it will not seek such a permit as part of a now altered compliance strategy and requesting that the amended Recommendation be filed in advance of the scheduled September 19 hearing.

By filing of September 4, the Agency requested leave to reply to Classic's response, which leave is granted. The Agency asserted that the alteration of the compliance plan alluded to by Classic in its response constitutes an "important material change" in its petition which should be presented in writing in an amended petition.

The Board agrees. Classic shall file an amended petition within 45 days of the date of this Order, or this action will be subject to dismissal. As the amended Agency Recommendation, if not the amended petition, cannot realistically be filed in advance of the scheduled September 19 hearing, that hearing is cancelled to avoid futile expenditure of resources. The Hearing Officer, after consultation with the parties, shall reschedule hearing as early as is practicable.

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 5th day of September, 1985, by a vote of 7-0.

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