

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1987

JOLIET SAND AND GRAVEL COMPANY,)
)
Petitioner,)
)
v.) PCB 86-159
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):


On January 6, Joliet filed an "emergency" motion requesting the Board to overrule certain aspects of the Hearing Officer's December 31, 1986 Order concerning discovery matters. The Board notes that the "emergency" motion was filed so late in the business day as to preclude proper noticing of any Board meeting during business hours in advance of today's regularly scheduled meeting.

The motion is denied. Joliet has failed to convince the Board that the Hearing Officer has improperly used his discretion in light of the facts and circumstances of this case. To the extent the motion alleges defaults in discovery, the remedy sought, which is reversal of a Hearing Officer order, is inappropriate.

Finally, the Agency's December 30, 1986 motion for costs, Joliet's January 5, 1987 response thereto and the Agency's January 7 supplemental filing will be addressed in the Board's final decision in this matter which is due on or before January 28.

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 January, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board