

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1986

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

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on Joliet's November 20, 1986 emergency motion for continuance, the Agency's November 24 response in opposition thereto, and Joliet's December 16 supplement to the emergency motion. As hearings have been held since the filing of the November 20 motion, the Board will discuss only the request in the December 16 supplement, which is that the hearing presently scheduled for January 13 be continued on the ground that it is "impossible" to complete discovery and prepare for hearing on that date. (Joliet also stated that several discovery motions as well as a motion to compel were pending before the Hearing Officer; these were addressed in a Hearing Officer Order on December 17.)

The motion for continuance is denied. As Joliet noted in its November 20 motion, decision in this matter must be made by the Board on or before January 28 to avoid issuance of a permit by operation of law; the regularly-scheduled Board meeting closest to that date is January 22. The hearing has been scheduled at the last possible time to allow for Board deliberation of this record upon its receipt of expedited transcripts.

The hearing can be continued only in the event Joliet chooses to waive the decision date for sufficient time to allow for continuation of the hearing, proper noticing of that hearing, and sufficient time for Board deliberation of the record. If Joliet chooses to so waive, it can apply to the Hearing Officer for a continuance. If Joliet does not choose to waive, hearing will proceed. As to the discovery matters, if they remain unresolved Joliet may address appropriate motions to the Board.

Again, the motion for continuance is denied.

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 18th day of December, 1986 by a vote of 6-0.

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