## ILLINOIS POLLUTION CONTROL BOARD May 29, 1980

VILLAGE OF HILLSIDE, a Municipal Corporation, AND SAVE THE TOWNSHIP ) OF PROVISO, INC., a Not-for-profit ) Illinois Corporation,

Complainants,

v.

PCB 80-60

JOHN SEXTON SAND & GRAVEL CORP., an Illinois Corporation; BROWNING-FERRIS INDUSTRIES OF ILLINOIS, INC., an Illinois Corporation; and ) CONGRESS DEVELOPMENT COMPANY, an Unknown Corporation,

Respondents.

ORDER OF THE BOARD (by I. Goodman):

Respondents' May 15, 1980 Motion for Reconsideration is granted.

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The Board Order of May 1, 1980 denying dismissal of Count I is supplemented as follows.

The last sentence of Paragraph 6 of the Order entered May 1, 1980 is deleted. This sentence reads, "However, on October 19, 1978 the Agency allegedly notified Respondents that the transfers granted that August would be effective upon the date the sale to Respondents took effect."

The major material issues presented by Count I are whether Edison had authority to sign as transferor and whether Respondents had authority to sign as operators. Status as a contract purchaser, if proven, is relevant to these issues but it is not dispositive.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24% day of 6%, 1980 by a , 1980 by a vote of 4-0 .

Christan L. Moffett Clerk
Illinois Pollution Control Board