

ILLINOIS POLLUTION CONTROL BOARD

December 2, 1993

WILMER BROCKMAN, JR. AND )  
FIRST MIDWEST BANK OF JOLIET )  
AS TRUSTEE UNDER TRUST NO. 757, )

Petitioner, )

v. )

PCB 93-162  
(Permit Appeal)

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )

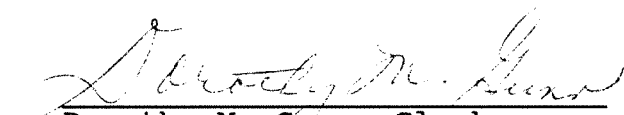
ORDER OF THE BOARD (by G. T. Girard):

On November 24, 1993, the Board received a motion for summary judgement filed by Illinois Environmental Protection Agency (Agency). The Board has not received a response from petitioner and the response time pursuant to Section 101.241 has not run. However, a hearing is scheduled for December 6, 1993, and the Board finds that undue delay would result if the Board does not rule today.

The Board notes that there are several factual issues presented in this permit appeal. For example, based on a reading of the petition for appeal and the Agency's motion, there is an issue as to whether the entire facility was closed or whether only a portion of the facility closed in 1982. Further, the Agency deemed the instant application for permit not filed "because it lacked the information, documents, and authorizations in the form". (Mot. at 1.) Therefore, the Board finds that there are genuine issues of fact to be resolved in this proceeding. The motion for summary judgement 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 2nd day of December, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board