

ILLINOIS POLLUTION CONTROL BOARD  
February 6, 1992

5027 CORP, )  
 )  
Petitioner, )  
 )  
v. ) PCB 91-224  
 ) (Landfill Siting)  
 )  
CITY OF MOLINE, )  
 )  
Respondent. )

ORDER OF THE BOARD (by B. Forcade):

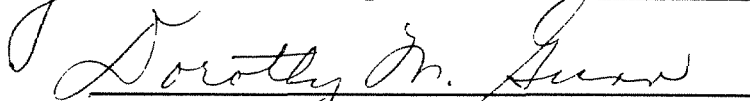
On January 23, 1992, 5027 Corp and the City of Moline filed a joint "Stipulated Motion to Dismiss, Reverse, and Remand." That motion recites that, "for various, unspecified procedural reasons and for other good cause...", the parties have stipulated that the cause should be reversed and remanded to the Moline City Council. The motion also specifies the future conduct the parties will pursue in regard to this matter and specifies certain financial obligations that each party will assume.

The Board accepts the motion insofar as it requests the Board to Reverse and Remand to the City of Moline. This action is appropriate predicated on Moline's request that its decision be reversed and remanded. In all other respects, the Board declines to accept the obligations stated in the motion. The Board finds inadequate bases to compel future conduct by the parties or to adjudicate financial obligations, via an Order of this Board. The parties are free to treat the settlement as a contract between them and to pursue any mutually agreeable devices outside of the Board Order.

If the parties find the Board's action an unacceptable resolution, they are free to file a motion to vacate within 14 days of the date of this Order. Such motion shall clearly specify a timetable for completion of the adjudication of this controversy on its merits within the time frame covered in the current waiver (September 10, 1992).

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 6<sup>th</sup> day of February, 1992, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control