

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1991

VILLAGE OF SAUGET)
)
 Petitioner,)
)
 v.) PCB 86-57
) PCB 86-62
 ILLINOIS ENVIRONMENTAL) (Consolidated)
 PROTECTION AGENCY,) (Permit Appeal)
)
 Respondent.)

MONSANTO COMPANY,)
)
 Petitioner,)
)
 v.) PCB 86-58
) PCB 86-63
 ILLINOIS ENVIRONMENTAL) (Consolidated)
 PROTECTION AGENCY,) (Permit Appeal)
)
 Respondent.)

ORDER OF THE BOARD (by R. C. Flemal):

By Order of December 15, 1988, the Board affirmed in part, denied in part, and modified in part the permit conditions of the NPDES permit issued by the Agency to the Village of Sauget ("Sauget"). Sauget and Monsanto Company sought review of the Board's Opinion and Order in the Fifth District Appellate Court. On December 13, 1990, the Court issued its ruling which reversed the Board's decision and remanded the case for further proceedings. Village of Sauget and Monsanto Company v. IPCB, 566 N.E. 2d 724, 152 Ill. Dec. 847 (Ill. App. 5th Dist. 1990).

Among other things, the Court found that:

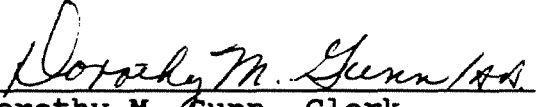
In light of the procedural deficiencies at the agency level and the failure of the Board to cure the deficiencies, we deem it appropriate in this case to vacate the contested conditions in the AB Facility NPDES permit and to order the Board to direct the IEPA to issue a new draft permit.

The Court's mandate issued July 10, 1991.

Consistent with the court's remand, the Board remands this matter to the Agency for further action consistent with the Fifth District Appellate Court Opinion.

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 22nd day of August, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board