

ILLINOIS POLLUTION CONTROL BOARD
December 15, 1988

KENNETH K. GETTY,)
)
 Complainant,)
)
 and)
)
 EDWIN and SUE KOZOYED, ET AL.,)
)
 Intervenors,)
)
 v.) PCB 86-181
)
 VILLAGE OF RIVERSIDE,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

The Village of Riverside ("Riverside") filed its Respondent's Post-Hearing Brief on November 10, 1988. Attached thereto was a map of the locale indicating property boundaries and ownerships, as well as the locations of a number of wells with indicated levels of chemical contamination. Edwin and Sue Kozoyed, the intervenors ("Intervenors"), filed a motion to strike this map on December 6, 1988. Riverside responded on December 8, 1988.

Intervenors argue as follows:

This map was never presented or offered in evidence in this proceeding. As such, it has not been subject to review or cross-examination by the complainant or the Intervenors.

Motion to Strike at 1.

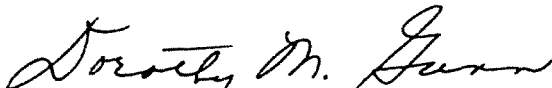
In reply, Riverside does not assert that the map was introduced at hearing. Therefore, the Board must conclude that the map and its markings are not evidence properly before this Board.

The motion to strike is granted. The Board will not consider this map in its evaluation of this matter. However, that portion of the Intervenors' motion requesting its removal from the Board's files is denied. The map is more easily disregarded.

Intervenors' motion to file Reply Brief Instantly is granted.

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 15th day of December, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board