

ILLINOIS POLLUTION CONTROL BOARD
April 24, 1986

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-145
)
THE CELOTEX CORPORATION)
and PHILIP CAREY COMPANY,)
)
Respondents.)

ORDER OF THE BOARD (By B. Forcade):

On April 10, 1986, Celotex Corporation ("Celotex") filed a renewed motion to the Board for sanctions, for failure of the Illinois Environmental Protection Agency ("Agency") to comply with the November 11, 1985, Hearing Officer Order. On April 24, the Agency tendered a late filing in response to the Motion for Sanctions. However, that filing fails to justify the last minute cancellation of the scheduled inspection of the files in the Maywood office. The Motion for Sanctions is granted.

The parties are ordered to file with the Board not later than May 7, 1986, a Brief on whether the appropriate remedy is that:

- (a) All data relating to groundwater facts at the Joliet Army Arsenal shall be barred and all presumptions from the lack of that data shall favor respondent Celotex; or
- (b) All groundwater claims in the complaint shall be stricken; or
- (c) All documents or data in the possession of the Agency (in Maywood or Springfield) pertaining to groundwater at the Joliet Army Arsenal shall be transported to the Maywood Office for inspection at a time chosen by Respondent, Celotex.

Any facts contained in those briefs shall either be referenced to their record citation (with complete copies attached) or supported by affidavit.

IT IS SO ORDERED.

Chairman J.D. Dumelle and Board Member R. Flemal dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of April, 1986, by a vote of 5-2.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board