

ILLINOIS POLLUTION CONTROL BOARD
March 27, 1986

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 82-144
)
CITY OF GALENA,)
)
Respondent.)

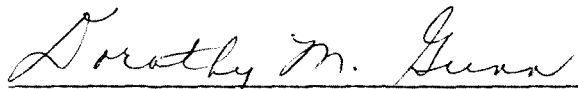
INTERIM ORDER OF THE BOARD (by J. D. Dumelle);

By Order dated February 20, 1985, the Board rejected a stipulation and proposal for settlement of this matter filed by the parties on September 17, 1984. The basis for the rejection was that a majority of the board concluded that it lacked the authority to accept settlements which include neither an admission of violation or the stipulation of facts sufficient to form the basis of a finding of violation. That issue has since been litigated and both appellate courts which considered it concluded that the Board does, in fact, have the power to accept stipulations absent a finding or admission of violation. (People v. Archer Daniels Midland, No. 3-85-0222 and 3-85-0224, 3d Dist. 1986; and Chemetco v. IPCB and IEPA, No. 5-85-0143, Fifth Dist. 1986).

Therefore, the Board may now be able to accept the settlement. However, that settlement is 18 months old and the parties may no longer desire the Board to consider it. Therefore, the Board will allow the parties 45 days from the date of this Order to take whatever action they deem appropriate to reach an expeditious conclusion in this matter. If no such action is taken, this matter will be subject to dismissal.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 27th day of March, 1986 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board