

ILLINOIS POLLUTION CONTROL BOARD
October 10, 1985

CONCERNED CITIZENS GROUP,)
An Unincorporated, Voluntary)
Association; THERESA CASTARELLI;)
DEE ANN MAYER and SHIRLEY WATSON)
)
Petitioners)
)
v.)
)
COUNTY OF MARION and I.S., INC.,)
An Illinois Corporation also)
known as INDUSTRIAL SALVAGE and)
INDUSTRIAL SALVAGE, INC.,)
)
Respondents)

PCB 85-97

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

On September 12, 1985, Respondent I.S., Inc. ("I.S."), also known as Industrial Salvage and Industrial Salvage, Inc., filed a "motion to correct record and pleadings" in this matter. This motion requests that the Board, if it finds it "desirable or necessary", modify by interlineation the record and pleadings to insert the name "I.S., Inc." wherever the names "Industrial Salvage" or "Industrial Salvage, Inc." appear.

This motion is apparently in response to Petitioner's allegation that I.S. misrepresented its true identity to the Marion County Board at hearing on I.S.' petition before that body for approval of a new regional pollution control facility in Marion County, Illinois. I.S. contends that there was no misrepresentation and that the County Board was not deceived nor defrauded by any alleged confusion regarding the true identity of I.S.

The Board does not accept the rationale for this motion. Petitioners have raised the issue of possible misrepresentation on the part of I.S.; Board determination of this issue will require analysis of the record as it was developed before the Marion County Board. To grant the motion put forward by I.S. would be to effectively alter the record, thereby preventing the Board from accurately appraising the merits of the claim raised by Petitioners. The Board therefore denies the motion offered by I.S. The Board points out, however, that by this Order it takes no position on the merits of the "misrepresentation" issue as raised by the Petitioners.

IT IS SO ORDERED.

Board Members Joan G. Anderson, J. Theodore Meyer, and John Marlin dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on 10th day of October, 1985, by a vote of 4-3.

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