

ILLINOIS POLLUTION CONTROL BOARD
October 5, 1982

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.) PCB 81-98
WASTELAND, INC., an Illinois)
Corporation, VERNON LAMOREAUX, DENNIS)
LAMOREAUX, ROGER PEMBLE, and WASTE)
RESOURCES CORPORATION, an Illinois)
Corporation,)
Respondents.)

ORDER OF THE BOARD (by J.D. Dumelle):

On September 17, 1982 the respondents in this matter filed a motion to modify the Board's Order of August 26, 1982, arguing that the Order was based upon hearsay and that the penalty and performance bond imposed were not adequately supported by the record. The Illinois Environmental Protection Agency filed a response on September 30, 1982 which argued that the hearsay testimony fell under the admission of a party opponent exception and that the record clearly substantiated the need for such a penalty and performance bond. The Board agrees with the Agency on both points and Respondents' September 17, 1982 motion is hereby denied. Further, even if such statements did not fall under a hearsay exception, such evidence could be considered pursuant to Section 103.204 so long as it "would be relied upon by reasonably prudent persons in the conduct of serious affairs."

The Board notes that the Agency's response was accompanied by a motion to modify the Board's August 26, 1982 Order. The Board will not rule on that motion at this time in that the respondents have not yet responded to that motion and the response time has not yet lapsed.

IT IS SO ORDERED.

Board Member N. Werner abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 5th day of October, 1982 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board