

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1972

ENVIRONMENTAL PROTECTION AGENCY)
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 v.) #72-216
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 IOWA-ILLINOIS GAS & ELECTRIC CO.)

Supplemental Order & Opinion of the Board (by Mr. Currie):

Having received a stipulation and arguments in this case, we concluded that the case was ready for decision and entered a final order July 25, 1972, rejecting certain legal defenses and imposing a \$1000 penalty for the admitted installation of equipment without a permit.

Now the Agency informs us that a public hearing scheduled for August 24 had been expected by the parties nevertheless to be held and asks us to set aside the order in order to permit additional public participation as contemplated when the hearing was scheduled.

It has been our preferred procedure, even where a stipulation is reached on all factual issues, and indeed even when the parties agree on a proposed disposition, to require that the stipulation and proposal be presented publicly so that affected citizens have a meaningful opportunity to know the terms and to express their views. See, e.g., EPA v. Granite City Steel Co., #70-34 (May 3, 1972). In the present case the parties, it now appears, had expected to be able to make presentations at such a hearing on the stipulation, and our order inadvertently deprived them of that opportunity. Fairness to the parties, as well as regard for our policy of public participation, requires us to vacate the order and to permit the hearing to be held, following which we shall consider all materials before us and decide the case accordingly.

It is so ordered.

In order that in our crowded schedule the risk of this kind of misunderstanding may be minimized in the future, we request all hearing officers formally to certify to the Board when all materials relevant to Board consideration have been received. We have not asked for such certification in the past, but increasing docket pressures make greater formality an unfortunate necessity, as the present case shows.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Supplemental Order & Opinion this 22nd day of August, 1972, by a vote of 5-0.

Christan J. Moffett