

ILLINOIS POLLUTION CONTROL BOARD  
May 22, 1986

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

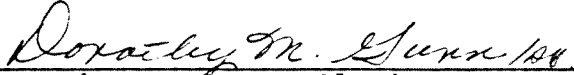
INTERIM ORDER OF THE BOARD (by J. D. Dumelle):

The Board in an Interim Order dated March 27, 1986, notified the parties that it may now be able to accept the stipulation and proposal for settlement filed on September 17, 1984 since the appellate courts concluded that the Board has the authority to accept stipulations absent a finding or admission of violation. (People v. Archer Daniels Midland, No. 3-85-0222 and 3-85-0224, Third Dist. 1986; and Chemetco v. IPCB and IEPA, No. 5-85-0143, Fifth Dist. 1986). On May 14, 1986, the parties filed a Joint Motion to Vacate the Board's previous Order dated February 20, 1985 which rejected the stipulation and proposal for settlement and to approve and enter the stipulation and proposal for settlement as originally received on September 17, 1984.

The Board believes that approving the September, 1984 stipulation and proposal for settlement as filed would be inappropriate because the Board would be ordering the respondent to perform acts 1 1/2 years in the past. The Board finds the September, 1984 settlement agreement unacceptable and will allow the parties 45 days in which to file a revised and updated stipulation and proposal for settlement. If no such action is taken, then 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 Order was adopted on the 22 day of May, 1986 by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board