

ILLINOIS POLLUTION CONTROL BOARD  
January 10, 1985

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 83-4  
 )  
CITY OF EAST MOLINE, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Anderson):

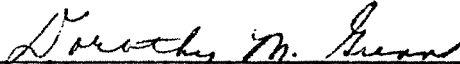
On December 3, 1984 the Illinois Environmental Protection Agency filed a motion for clarification concerning the last paragraph on page 16 and continuing on page 17 of the Board's November 8, 1984, Opinion and Order in this matter. On December 10, 1984 East Moline filed a motion to stay that Order, noting that an appeal of the decision had been pursued in the Appellate Court for the Third District on December 6, 1984. Neither party has responded to the other's motion.

The motion to stay is denied. Further, the motion for clarification is denied, since appeal of this matter has transferred jurisdiction from the Board to the appellate court. However, the Board agrees with the Agency that the Opinion should have discussed Section 3(r) of the Act, which defines "open dumping"; this omission would have been corrected but for the pendency of the appeal of this action.

IT IS SO ORDERED.

J. D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of January, 1985 by a vote of 4-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board