

ILLINOIS POLLUTION CONTROL BOARD  
January 22, 1981

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 77-25  
 )  
 MARQUETTE COMPANY, )  
 )  
 Respondent. )

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


On January 13, 1981, the Illinois Environmental Protection Agency (Agency) filed a Motion for Reconsideration of the December 18, 1980 Order of the Board which rejected a stipulation and settlement agreement in this matter. The basis for rejection was that the settlement as presented was incomplete. On January 14, 1981, Marquette Company (Marquette) filed a similar motion. Those motions are hereby granted.

Both Marquette and the Agency understand that the settlement agreement cannot be finally accepted by the Board at this time since some of the terms of that agreement are to be agreed upon only after stack tests have been completed. Marquette is reluctant to initiate such testing absent assurances from the Board that the basic framework of the agreement is acceptable. Other terms are conditioned upon Marquette's submission of an Emissions Control Program which it is also reluctant to submit without the same assurances.

Since the Board agrees with both parties that the framework of the settlement agreement provides an acceptable mechanism for settlement, the Board hereby preliminarily approves that framework. However, after final terms are agreed to, these must be presented at a public hearing prior to submission to the Board for final approval. Until that time the Board cannot grant final acceptance of the settlement.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 22<sup>nd</sup> day of January, 1981 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board