

ILLINOIS POLLUTION CONTROL BOARD
June 12, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-35
)
CHEVY CHASE SEWER AND WATER)
COMPANY, an Illinois)
Corporation; and VILLAGE)
OF BUFFALO GROVE,)
)
Respondents.)

ORDER OF THE BOARD (by I. Goodman):

The Village of Buffalo Grove's June 3, 1980 motion to dismiss it as party Respondent is denied.

The Village's presence as a party is necessary for the Board's complete determination of these proceedings. Contrary to the Village's allegations, it is a question of fact whether upgrading the facility in question will alone resolve all issues in this proceeding.

Although not here conceding the Board's lack of authority to order parties to perform their contractual agreements or to compel municipalities to cooperate with one another, the Board finds that it has subject matter jurisdiction over the settlement agreement filed at the December, 1979 hearing. Material provisions of that agreement are contingent upon certain actions by the Village.

This Order in no way directs the Village to comply with the provisions of that agreement. It merely orders that return of service of the Board's Order of May 15, 1980 and other documents shall not be quashed. The Village is hereby given leave to respond to the agreement and any other documents of record in this proceeding, and to request an additional hearing in this matter, within 45 days of the date hereof.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 12th day of June, 1980 by a vote of 5-0.

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