

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1972

ENVIRONMENTAL PROTECTION AGENCY)
Complainant,)
)
v.) PCB 72-207
)
COUNTY OF DU PAGE, a body)
politic and corporate,)
Respondent.)

INTERIM OPINION AND ORDER ON MOTIONS (by Mr. Parker):

Respondent, the County of DuPage, has filed a motion to strike paragraph 2(C) of Complainant's prayer for relief as being substantially insufficient at law. Respondent contends that the County is not one of the governmental units encompassed by the language of Section 46 of the Environmental Protection Act. We believe a decision on this motion should be deferred until the Board's final determination of all issues presented in this proceeding. This will afford all parties to the proceeding an opportunity to file briefs on the questions raised by the motion.

Respondent has also filed a motion to add as parties the Villages of Addison and Itasca on the basis that their sewage treatment responsibilities will be affected by any order entered by us in this proceeding. From a review of the pleadings filed in support of this motion it appears to us that there may well be Villages in addition to Addison and Itasca that may be similarly affected by the interim wastewater plan of the Northeastern Illinois Planning Commission for its Region I. For example, the additional communities of Wood Dale, Elk Grove Village and Bensenville are also included as part of Region I of the Northeastern Illinois Planning Commission. No information has been presented to show why these additional communities should not be parties to this proceeding if the villages of Itasca and Addison are to be added. Also, no information has been presented to show the relationship between the subject matter of this proceeding and the DuPage County regionalization hearings and final reports concerning Region I which are presently scheduled for completion by the end of September. We feel that Respondent should submit this additional information and that copies of Respondent's motion and supporting papers should be forwarded to all five of the communities within Region I along with a request that they submit briefs or other information to us on the questions presented.

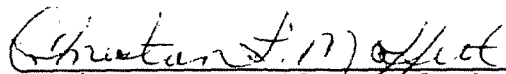
ORDER

1. Respondent's motion to strike is held in abeyance until this Board's final determination of all issues presented in this proceeding. If the questions raised

by this motion have not been mooted or otherwise disposed of by the time of such final determination, all parties to this proceeding are requested to file briefs on the questions raised by this motion.

2. The motion to add parties is held in abeyance until such time as Respondent submits additional information in accordance with the Opinion expressed above. Respondent shall serve copies of this Order and of the Motion to add parties and supporting papers on the communities of Itasca, Addison, Wood Dale, Elk Grove Village and Bensenville, as well as on the Hearing Officer currently conducting the Region I proceedings, and shall forward copies of the proofs of service to the Board.

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


Christan L. Moffett, Clerk
Illinois Pollution Control Board