

ILLINOIS POLLUTION CONTROL BOARD
February 7, 1980

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 79-5
)
 CROSSROADS U.S.A., INC., an Iowa)
 corporation, BROWNE BARR, CHARLES)
 JORDAN, DALLAS CRANDALL and LARRY)
 W. McCASLAND,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Goodman):

Respondents' January 25, 1980 motion to continue the discovery period and the hearing for three months is denied.

Respondents seek the continuation in order to "depose knowledgeable persons" concerning, essentially, whether Central States Utility Company, which provides water service and sewage treatment facilities to 20 contiguously-located residential units and has been negotiating with Respondent Crossroads, Inc. to provide similar services, can indeed at some date provide those services to Crossroads. Central's consultant is expected to report in January, 1980 on what maintenance is required to bring Central's facility into conformity with its original design specifications.

Negotiations cannot proceed until Central pays the FDIC the approximately \$800,000 it owes it, and resolves other problems with the FDIC, because Central's continued existence cannot be assured. Because of Central's 1/4-mile proximity to Crossroads, its facility is Crossroads' best alternative to Crossroads' present sewage treatment methodology. Respondents seeks continuation for the additional reason that time is needed to explore other alternatives in the event the Central-FDIC problems "cannot be concluded soon."

This NPDES permit and water pollution enforcement case does not depend on the availability to Crossroads of Central's facility. Central is not a party to this action, although its president was deposed by Respondents. Every reason given in the Agency's response objecting to the motion for continuance

is relevant to the denial of this motion, as in the reason that past violations of law cannot be cured by future intentions.

IT IS SO ORDERED.

Mr. Werner Dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 7th day of February, 1980 by a vote of 3-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board