

ILLINOIS POLLUTION CONTROL BOARD  
July 11, 1985

M.I.G. INVESTMENTS and )  
UNITED BANK OF ILLINOIS, )  
 )  
Petitioners, )  
 )  
v. ) PCB 85-60  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

INTERIM ORDER OF THE BOARD (by J. Anderson):

The Board has received the Hearing Officer's report and submittal concerning the hearing held in this matter on July 9, 1985. Several matters deserve mention.

As this actual was filed on May 3, 1985, the Board calculates the due date as being August 1, 1985, rather than August 3. However, petitioners have waived the due date through and until August 15. (In the absence of this waiver, the briefing schedule established at hearing would have been unacceptably tight.)

The Agency record shall be filed no later than July 19 and shall be indexed and organized in such a manner as to be easily usable. The suggestion that the record would be filed no later than July 29 is unacceptable.

The Board presently does not have the hearing transcript in this matter, and requests that the following issues be addressed in the briefs, if they have not been adequately addressed previously.

The Agency places reliance on an unreported Order entered in Village of Antioch v. Carlson, et al., No. 83 CH 454. The record in this matter as currently on file with the Board does not contain a procedural history of this action; the only materials from this case, as attached to MIG's petition, are an injunction Order entered April 23, 1984, apparently accepting a stipulation binding on Waste Management and a May 9, 1984, injunction Order binding on the Agency. The Board wishes to be more fully advised of the premises of this action, including appeal history, if any. The Board also wishes a legal analysis made concerning the scope and effect, particularly of the May 9, 1984, Circuit Court's Order, and citation of any precedents supporting the interpretation.

The briefs shall also recite the prior permit history of this site insofar as it relates to permits authorizing construction or development of the site directly relating to waste disposal activities, as distinguished from related activities at the site, such as groundwater monitoring or post-closure care. In so doing, citation shall be made to the applicable portions of the Agency record.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 11<sup>th</sup> day of July, 1985, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board