

ILLINOIS POLLUTION CONTROL BOARD  
November 7, 1985

ILLINOIS POWER COMPANY	)	
(Hennepin Power Plant),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 85-119
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

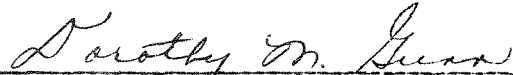
This matter comes before the Board upon motions to supplement the record and for summary judgment filed on behalf of the Illinois Power Company (IPC) on October 18, 1985, to which the Illinois Environmental Protection Agency (Agency) responded on October 29, 1985. The Agency opposes the motion for summary judgment but does not oppose the motion to supplement the record.

The motion to supplement the record is hereby granted. IPC has presented the same arguments in support of summary judgment as it did in Illinois Power Company (Wood River Plant) v. Illinois Environmental Protection Agency, PCB 85-84. For the same reasons stated in the Board's September 20 and October 10, 1985 Orders in PCB 85-119 denying summary judgment, the Board hereby denies the present motion.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7<sup>th</sup> day of November, 1985 by a vote of 6-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board