

ILLINOIS POLLUTION CONTROL BOARD  
November 21, 1985

IN THE MATTER OF: )  
 )  
APPLICATION FOR LAKE MICHIGAN ) PCB 85-158  
PERMIT NO. 180 LM FOR )  
ALEX STAMATAKIS )

ORDER OF THE BOARD (by J. Anderson):

This permit application, received by the Board October 21, 1985, seeks authorization to sink a 190' x 35' barge in Lake Michigan to act as an offshore breakwater for the applicant's property in Winnetka. This Order is to clarify the status of the application.

At its October 21 meeting, the Board deferred consideration of concurrence with the permit proposed to be issued by the Illinois Department of Transportation (IDOT), and issued an Order requesting more information concerning the nature of the barge and its potential to contribute to pollution of the Lake.

The Board received a response from the applicant November 5. Action was again deferred at the Board's November 7 meeting, based on a letter received that day from Michael R. Feagley, counsel for certain adjacent property owners. The letter asserted that the barge had been sunk on October 30, and advised the Board that these property owners had requested IDOT to reconsider and reopen the application.

The Board must again defer action in this matter. On November 18, the Board received copies of letters from IDOT to Mr. Feagley and Mr. Stamatakis. Each letter notes that the barge had been sunk, that IDOT was indeed reopening the comment period and that IDOT was requesting the applicant and objectors to

"see if a mutually agreeable resolution can be obtained.

This additional information will be used by the Department to decide whether to issue your permit as it now stands, issue with conditions, or deny and order removal of the unauthorized barge breakwater."

The Board notes that, at this juncture, an argument can be made that this application should be dismissed from its docket, as there is no longer a final decision from IDOT with which the Board can concur. Given the history of this application, however, the Board believes it preferable to retain this matter on its docket to ensure a continuity of information to the Board on this matter. However, no action will be taken by the Board to concur with, to dissent from, or to dismiss this application

until such time as the Board receives notification from IDOT of its final determination concerning this matter.

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 21<sup>st</sup> day of November, 1985, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board