

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 1978

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-475  
 )  
 THOMPSON OIL COMPANY, NORTHRUP OIL )  
 COMPANY, and TEXACO, INC., )  
 )  
 Respondents. )

ORDER OF THE BOARD (by Mr. Goodman):

On January 9, 1978, the Environmental Protection Agency (Agency) filed an Interlocutory Motion to Reverse Hearing Officer. Respondent Texaco, Incorporated filed a Response on January 18, 1978, and Respondents Thompson Oil Company and Northrup Oil Company filed a Response on February 2, 1978. In its Motion the Agency requests the Board to order the Hearing Officer to:


1. Allow Complainant to adduce evidence concerning a technical solution for the problem involved in the instant case;
2. Allow into evidence the explosimeter results obtained by John Snyder and observed by Abe Loudermilk;
3. Allow into evidence the permeability results done by the Illinois Department of Transportation soils lab on the core samples taken from wells on and in the area of Respondents' property; and
4. Allow into evidence time calculations made by Rauf Piskin using the permeability values found by the Illinois Department of Transportation on core samples from wells on and in the area of Respondents' property.

In the alternative, the Agency requests that the Board order the Hearing Officer to allow it to make offers of proof on the matters which the Hearing Office denied the Complainant the opportunity to make offers of proof during the hearing.

The Board will reserve ruling on the admissibility of the evidence detailed above and will order the Hearing Officer to allow the Agency to make offers of proof on both the technical solution for the alleged pollution and the matters which the Hearing Officer denied the Agency the opportunity to make offers of proof on during the hearing.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2<sup>ND</sup> day of February, 1978 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board