

ILLINOIS POLLUTION CONTROL BOARD
June 18, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 75-358
)
VILLAGE OF PAW PAW,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Young):

On June 7, 1976, Respondent filed a Motion for Modification of an Order entered on May 6, 1976. Said Motion is denied with the following exception. As part of this Motion, Respondent requests that the Board's Opinion and Order be set aside because of an improper finding of fact. Respondent points out that the Board found that the waste "was hauled to an area outside the Village", when in fact, the site in question was located entirely within the Village boundaries. When the Board used the expression outside the Village, it did so intending to mean away from the major residential and commercial parts of the Village. Mr. Rhea, the Village President, described the location of the site in this same sense when he agreed that the site was not visible from any place in the Village. (R. 127). In closing, Respondent's Counsel described the location of the site in this same sense when he agreed the waste should be burned under supervision, in a place that is really as far away from the Village as is available. (R. 173). Nonetheless, in order to eliminate whatever confusion has arisen by this description of the site, the Opinion is amended on page 3, 3rd paragraph to read:

"was hauled to an area away from the major residential and commercial parts of the Village".

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of June, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board