

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1976

PALOS CONSERVATION COMMITTEE,)
ED R. MICLLEF, WILBUR W. MARTIN,)
MERVYN C. PHILLIPS, THE LIEUTENANT)
JOSEPH P. KENNEDY SCHOOL FOR EXCEPTIONAL)
CHILDREN, THE HOLY FAMILY VILLA, THE)
SOUTH COOK COUNTRY GIRL SCOUTS, INC.,)
and PEOPLE OF THE STATE OF ILLINOIS,)
Complainants,)
v.) PCB 76-191
LANDFILL, INC., WASTE MANAGEMENT OF)
ILLINOIS, INC., and the ILLINOIS)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondents.)

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin):

This matter is presently before the Board on a number of preliminary Motions:

1. Emergency Motion to Stay Permit, filed by Complainants Palos Conservation Committee, et al., on July 9, 1976, to which Respondents Landfill, Inc., (Landfill) and Waste Management of Illinois, Inc., (Waste Management) responded on August 2, 1976.
2. Motion for Leave to Intervene filed on July 13, 1976, by the Attorney General for the People of the State of Illinois, to which Respondent Environmental Protection Agency (Agency) responded in opposition on July 20, 1976, and Respondents Landfill and Waste Management responded in opposition on August 2, 1976.
3. Motion to Sever and Dismiss filed by the Agency on July 30, 1976.
4. Motion for Judgement on the Pleadings or in the alternative Motion for Summary Judgement filed by the Agency on July 30, 1976.
5. Motion for Leave to File Briefs and Motion for Expedited Briefing Schedule, filed by the Agency on July 30, 1976.
6. Motion to Limit the Scope of Review, filed by Landfill and Waste Management on August 2, 1976.

Complainant's Emergency Motion to Stay Permit is denied. The Board has no authority in situations of this type to enter or enforce temporary injunctions or restraining orders. Such being the essence of this Motion, it must be denied.

The Attorney General's Motion for Leave to Intervene is granted. As requested in that Motion, the People are denominated a party Complainant.

The Agency's Motion to Sever and Dismiss is denied. As in Committee to Save our Environment et al., v. Carlson et al., PCB 75-443, PCB 76-8 (Consolidated) (Interim Opinion and Order of Jan. 22, 1976), we find that the Complaint herein adequately states a cause of action against the Agency.

The Agency's Motion for Judgement on the Pleadings or in the Alternative Motion for Summary Judgement shall be held for future decision. Similarly, Landfill's and Waste Management's Motion to Limit the Scope of Review shall be held.

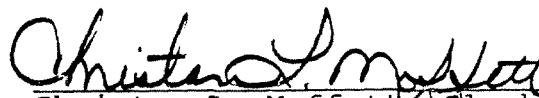
The Agency's Motion for Leave to File Briefs is Granted. The issues in its Motion for Judgement on the Pleadings or in the Alternative Motion for Summary Judgement, and in Landfill's and Waste Management's Motion to Limit the Scope of Review shall be briefed by the parties under the following expedited briefing schedule:

1. Respondents' Briefs on the above Motions shall be filed by August 16, 1976.
2. Complainants' Briefs shall be filed by August 26, 1976.
3. Respondents shall have until September 7, 1976 to file any reply to Complainants' Briefs.
4. Complainants shall have until September 14, 1976 to file any response to the Respondents' replies.

All parties shall address this Board's authority to grant Summary Judgement or Judgement on the Pleadings.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 5th day of August, 1976, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board