

ILLINOIS POLLUTION CONTROL BOARD
September 2, 1976

PEOPLE OF THE STATE OF ILLINOIS and)
THE ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainants,)
)
)
v.) PCB 74-452
)
)
GARVEY GRAIN, INC.,)
a Kansas corporation,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Board upon the August 11, 1976 Motion of the People of the State of Illinois and the Environmental Protection Agency by William J. Scott, Attorney General, State of Illinois (People) moving the hearing officer herein set a date certain upon which Garvey Grain, Inc. (Garvey) shall be permitted to cross examine the witnesses who appeared at the original hearing held in this matter pursuant to the Order of the Pollution Control Board entered on October 30, 1975.

Upon review of this relatively old action the Board finds that due apparently to a clerical error the Board is without sufficient record to make an informed decision or to develop an intelligent remedy in this case. The record before us has neither cross examination of Complainants witnesses by Respondent nor Respondent's case in chief. In addition the People in their February 18, 1976 Motion For Continuance state that technology is presently being tested which, if successful, will resolve the remaining issues of this action.


Since resolution of the issues herein and the abatement of pollution in the state of Illinois are of primary import to the

Board, the Board, on its own Motion, hereby amends its Order of October 30, 1975 herein as follows:

Upon Respondent's Motion to Vacate Hearings and Findings of the Hearing Officer it is the Order of the Pollution Control Board that hearings in this matter be reopened for the purpose of allowing Respondent to recall witnesses for cross examination and for presentation of testimony by either party concerning the issues herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2nd day of September, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board