

ILLINOIS POLLUTION CONTROL BOARD
May 8, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 75-22
UNITED ELECTRIC COAL COMPANIES)
a Delaware Corporation)
Respondent.)

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

The original Complaint in this matter was filed by the Attorney General for the Environmental Protection Agency on January 16, 1975. That Complaint named as Respondent the United Electric Coal Companies, a Delaware Corporation, and alleged various violations of the Illinois Environmental Protection Act and of the Rules and Regulations of this Board. The Attorney General has now filed two Motions, one to add a party respondent (filed April 25, 1975), and one to amend the original Complaint by changing the name of the originally designated Respondent (filed April 28, 1975).


The first Motion, that to add an additional party Respondent, alleges that since the inception of this case the property which is the subject matter of the action has been sold to the Metropolitan Sanitary District of Greater Chicago. We agree with the Attorney General that a complete determination of the controversy can therefore not be made without the presence of said Metropolitan Sanitary District. It is obvious that the Metropolitan Sanitary District has an interest which may be affected by any Order which the Board might enter in this matter, and that therefore the Sanitary District should be joined as a party Respondent.

The second Motion, to amend the original Complaint so as to change the name of the originally named Respondent, alleges that the Freeman United Coal Mining Company is the successor by merger to the United Electric Coal Companies, the currently designated Respondent. This Motion points out that Freeman United Coal Mining Company has entered an appearance in this matter indicating such succession by merger. For that reason, the Board agrees with the Attorney General that the cause should be restyled, indicating the proper party Respondent, Freeman United Coal Mining Company.

For the reasons stated above, the instant enforcement action shall be amended to indicate as parties Respondent the Freeman United Coal Mining Company and the Metropolitan Sanitary District of Greater Chicago.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order of the Board was adopted on the 8th day of May, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board