

ILLINOIS POLLUTION CONTROL BOARD  
April 20, 1995

INTERNATIONAL UNION, UNITED )  
AUTOMOBILE, AEROSPACE AND )  
AGRICULTURAL IMPLEMENT WORKERS )  
OF AMERICA AND UAW LOCAL 974; )  
AND CITIZENS FOR A BETTER )  
ENVIRONMENT, )

Complainants, )

v. )

CATERPILLAR INC., )

Respondent, )

PCB 94-240  
(Enforcement-Land,Water)

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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Party-in-Interest. )

ORDER OF THE BOARD (by C.A. Manning):

This matter is before the Board pursuant to two motions. The first is a motion filed by the complainants on April 5, 1995 asking that the Board strike an investigative report filed by the Agency on March 27, 1995. The second motion was filed by the complainants on April 13, 1995 and seeks clarification of the Board's April 6, 1995 order denying the complainants access to Caterpillar's facility to conduct a site inspection.

**Complainants' Motion to Strike the Agency's Section 30 Report**

The complainants have asked that the Board strike, in its entirety, the Agency's Section 30 investigation report which was filed at the request of the Board on March 27, 1995, and order a new investigation. In support, the complainants cite a litany of deficiencies with the manner in which the investigation was conducted, and insufficiencies with the information provided the Board. Caterpillar filed a response on April 10, 1995 and with leave of the Board, the Agency filed a response on April 14, 1995.

The motion to strike is denied. The Agency conducted an investigation of the alleged violations in the complaint at the request of the Board pursuant to Section 30 of the Environmental Protection Act. (415 ILCS 5/30.) Therefore, any information that the Agency now provides in that report is properly before the Board. To the extent that the complainants believe the report to be insufficient, the hearing officer has entered an

order setting forth an agreement between all parties involved that persons from the Agency responsible for compiling the report would appear at the hearing and be available for questioning on those matters presented in the report. (January 4, 1995 Hearing Officer Report at 2.)

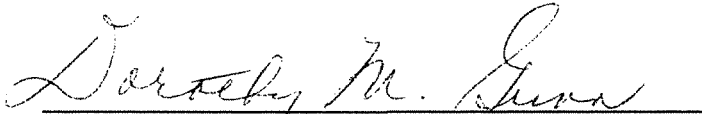
**Complainants' Motion for Clarification and Reconsideration of the Board's April 6, 1995 Order**

The second motion is complainants' motion for clarification and reconsideration of the Board's order of April 6, 1995 denying the complainants access to the Caterpillar site to conduct a site inspection. Caterpillar filed a response on April 19, 1995.

The complainants' motion for clarification and reconsideration is denied.

IT IS SO ORDERED.

I Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of April, 1995, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board