

ILLINOIS POLLUTION CONTROL BOARD
June 21, 1990

CARGILL, INC.)
)
) Petitioner,)
))
) v.) PCB 87-89
) (Permit Appeal)
))
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY and)
) VILLAGE OF CARPENTERSVILLE,)
))
) Respondents.)

ORDER OF THE BOARD (by J. Marlin):

By Order of May 24, 1990, the Board directed the parties to file statements on or before June 15, 1990 indicating their views as to how proceedings on remand of this case should best proceed consistent with the May 9, 1990 mandate of the Second District Appellate Court. Village of Carpentersville v. IEPA, and Cargill, Inc., 176 Ill. App. 3d 668, 531 N.E.2d 400 (2d Dist. 1988), affd. Ill. 2d _____, _____ N.E.2d _____ (No. 68074, March 29, 1990).

The Village, in its June 13 filing requested that the matter proceed to hearing. Cargill, in its June 14 filing, and the Agency, in its June 15 filing, each request that the parties be given an additional 45 days in which to negotiate, consider, and potentially settle this matter.

Given the complex nature of this case, the Board believes that allowing the parties additional time to consider this matter is preferable to the immediate scheduling of additional proceedings. The parties are accordingly directed to file a status report on or before August 6, 1990 again indicating their views as to how this matter should best proceed and whether they believe additional briefing or hearing is required in this matter. In so ruling, the Board takes no position on the Village's June 13 hearing request.

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 21st day of June, 1990, by a vote of 7-0.

Dorothy M. Gunn, Clerk
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Illinois Pollution Control Board