

ILLINOIS POLLUTION CONTROL BOARD  
August 18, 1982

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 80-125  
 )  
A. J. WELIN, )  
 )  
Respondent. )

ORDER OF THE BOARD (by I. G. Goodman):


On June 18, 1982 Respondent filed a Motion to Vacate, for Rehearing, or Modification of Final Order and Other Relief. The Illinois Environmental Protection Agency filed a Response on August 16, 1982. In the motion, Respondent raises procedural and evidentiary issues which had been raised at hearing and reviewed by the Board prior to its final Opinion and Order in this matter. Therefore the Motion to Vacate and Rehearing on these issues is denied.

In the motion, Respondent raises relief alternative to the two feet of cover over the entire site as ordered on May 13, 1982. Respondent suggests that an earthen barrier be constructed in lieu of cover. Although this alternative should properly have been raised at hearing, the Board will grant rehearing on this issue alone. The merits of the decision are not at issue; the Board's findings of violation contained in the May 13, 1982 Opinion and Order remain unchanged. The rehearing shall be confined to a demonstration that an alternative to the two feet of cover required by the Board's rules and regulations is sufficient to correct the environmental harm posed by this site. The record is reopened and rehearing on this issue is hereby granted.

IT IS SO ORDERED.

Board Chairman Dumelle and Board Member Werner concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 18<sup>th</sup> day of August, 1982 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board