

ILLINOIS POLLUTION CONTROL BOARD  
July 19, 1984

U.S. INDUSTRIAL CHEMICALS CO.,        )  
  )  
Petitioner,                            )  
  )  
v.                                        )       PCB 84-44  
  )  
ILLINOIS ENVIRONMENTAL            )  
PROTECTION AGENCY,                )  
  )  
Respondent.                          )

ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board upon a June 22, 1984, motion for interlocutory appeal and stay filed on behalf of U.S. Industrial Chemicals Co. (USI) to which the Illinois Environmental Protection Agency responded on June 27, 1984. The motion for interlocutory appeal is hereby granted and the motion for stay is hereby denied as moot since the requested stay has been granted by the hearing officer. With regard to the substance of the appeal, the ruling of the hearing officer is hereby affirmed. That motion centers on a dispute as to the proper scope of discovery in this permit appeal proceeding. Since the denial letter alleges that USI has failed to present a sufficient demonstration that there is no reasonable basis for a groundwater monitoring program, a request for documents which may have been relied upon in preparation of that demonstration is clearly relevant even if it is not reasonably calculated to lead to admissible evidence. Therefore, it is discoverable pursuant to 35 Ill. Adm. Code 103.161(a).

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 19~~th~~ day of July, 1984 by a vote of 6-0.

*Dorothy M. Gunn*

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board