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EPA request to join Wilsonville suit denied

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Circuit Court Judge John Russell in Carlinville today denied a motion to admit the U. S. Environmental Protection Agency into a suit against the Earthline Corp., which operates a hazardous materials landfill at Wilsonville.

Russell denied the motion, submitted by Earthline attorneys, because he said federal EPA "is not a necessary party in the legal sense."

Immediately after the ruling, Asst. U. S. Atty. Elijah Richardson, from Springfield, asked the court to admit the federal EPA to the suit as a friend of the court.

Russell said he would consider that and several other motions this afternoon.

The Illinois Appellate Court for the Fourth District in Springfield had ordered that the trial begin today, but it was not clear late this morning whether the preliminary motions would be decided in time.

Richardson was accompanied by David Tripp, a lawyer with the federal EPA in Kansas City, and Harry Gilmer, also of the EPA's Kansas City office.

Gilmer has been supervising the disposal of dirt contaminated by polychlorinated biphenyls (PCBs) from a Missouri dump to the Wilsonville landfill. That action prompted the suit by the city of Wilsonville to halt the disposal because residents fear contamination of their water supply.

Macoupin County States Atty. Ken Boyle, the Macoupin County Farm Bureau and four residents from Madison County have been permitted by Russell to join in the suit on Wilsonville's side.

Tripp said after the court recessed today that the federal EPA "has no interest in the proper and safe disposal of material in the Wilsonville landfill."

He said he and Richardson would be representing the government's interests, if admitted to the suit, and would not

necessarily side with Earthline.

Federal EPA officials, however, have stated that they believe the landfill is safe and that it is essential for the proper disposal of hazardous materials.

Russell also was expected to rule this afternoon on a motion to dismiss the suit filed by Earthline and on Boyle's request that additional state EPA and Earthline information about the site be available for use in the court suit.

Boyle wants detailed information about what chemicals and dangerous substances currently are stored at the site, where in the site they are, and when they were placed there.

Russell also must rule on a motion by the Illinois attorney general's office, which is representing the Illinois EPA in the case, to determine whether the EPA's file on the landfill should be made public.

Earthline attorney Stuart Dobbs told the court again today, "We do not believe this information is available to the plaintiffs because of the statute . . . that governs confidentiality." Earthline contends that the information contains trade secrets, which are protected by Illinois law.