

ILLINOIS POLLUTION CONTROL BOARD
October 15, 1987

IBP, Inc.)
)
) Petitioner,)
)
) v.) PCB 86-174
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Marlin):

On October 9, 1987, IBP, Inc. (IBP) filed a motion in which it requests the Board to render a decision in this matter without the requirement of a public hearing. On December 3, 1986, IBP filed an amendment to its petition for variance requesting that a public hearing be held. The original variance petition had waived a right to a hearing. By its Order of December 5, the Board accepted this matter for hearing.

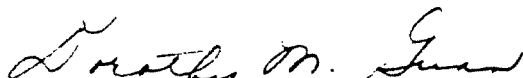
According to IBP, this present request comes as a result of an agreement between IBP and the Illinois Environmental Protection Agency (Agency); the terms of this agreement are apparently reflected in the the Agency's Amended Recommendation. IBP asserts that a hearing is no longer necessary and that the Board can decide this matter on the petition, recommendation, and amended recommendation. IBP also states that the Agency concurs with the position that a hearing is not necessary. The Board notes that no person filed an objection to the petition for variance.

The Board hereby grants IBP's motion and directs the Hearing Officer not to hold a hearing in this matter.

IT IS SO ORDERED.

J.D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of October, 1987, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board