

ILLINOIS POLLUTION CONTROL BOARD

January 10, 1985

MARATHON PETROLEUM COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 83-26
	)	PCB 83-29
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Anderson):

On December 26, 1984, Marathon moved for assignment of these permit appeal cases to a single hearing officer. Marathon asserts that as a result of negotiation of the issues (which are identical in each appeal) with the Agency, that the parties intend to present a stipulation of fact and recommendation for settlement. Should the Board grant its motion, Marathon further asserts that it would petition the hearing officer to schedule both matters for concurrent hearing at a single location, to save the expense of separate hearings.

The motion is granted regarding assigning the cases to a single hearing officer. However, insofar as the motion expresses an intent to seek to schedule both matters at a single location, that portion is denied. In a March 24, 1983 ruling denying a Marathon motion for consolidation of these cases, the Board found that

"given the considerable disparity in location [of the facilities] and the Environmental Protection Act's intent that the public have convenient access to permit appeal hearings, as well as a mandate of Section 103.123 of the Board's Procedural Rules, absent a showing of a lack of public interest, the Board finds that the administrative convenience and the convenience to the parties is overridden by the public's right to access."

The Board acknowledges that, in advance of published notice of hearing, proof by the parties of "lack of public interest" may be impossible, as potentially affected citizens may not be aware of an action. However, the Board sees no reason to depart from the logic of its ruling on the consolidation issue.

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 10<sup>th</sup> day of January, 1985 by a vote of 5 0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board