

ILLINOIS POLLUTION CONTROL BOARD
February 7, 1985

WILLIAM H. CLARKE and)	
PIONEER PROCESSING, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 84-150
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

On February 5, 1985, the Attorney General, on behalf of the Agency, moved for judgment on the pleadings, submitting "the motion to the Board along with the case as developed at the hearing" scheduled for February 7 and 8, 1985. Although petitioners' response time has not as yet run, the Board will rule upon the motion to guide the hearing process. The motion is denied, as the Board finds that the pleadings raise material issues which are mixed questions of law and fact.

This matter also comes before the Board upon a January 28, 1985 renewed petition for intervention filed on behalf of the County of LaSalle, Rosemary Sinon, Marie Madden and Joan Benya Bernabei. Deleted from this request was the condition which was the subject of the Board's Order of January 24, 1985. William H. Clarke and Pioneer Processing, Inc. (Petitioners) filed a response in opposition of February 1, 1985.

The Board notes that the vote on the draft Order to deny the renewed petition for intervention was 3-2, with five members present. Since this is one vote short of the four votes required for a final determination pursuant to Section 5(a) of the Environmental Protection Act, there was no Board determination on the petition.

IT IS SO ORDERED.

Board Member J. T. Meyer abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7th day of February, 1985 by a vote of 4-0.

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