

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1975

MT. CARMEL PUBLIC UTILITY,)
)
Petitioner,)
)
v.) PCB 75-41
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin):

The Petition for Variance in this matter was filed on January 27, 1975, containing a waiver of Petitioner's right to a decision within 90 days. On May 8, 1975 the Board entered an Interim Order requiring that Petitioner Mt. Carmel supply to the Board, within 120 days, specific information which the Board found to be required under the recent United States Supreme Court case of Train v. Natural Resources Defense Council, 43 U.S.L.W. 4467 (U.S. No. 73-1742, April 16, 1975). Thereafter, on May 9, 1975, the Environmental Protection Agency filed its Motion for Hearing, which is the subject of this Order.

The Agency's Motion is not timely under the Board's Procedural Rules when viewed in light of the January 27, 1975 filing date of the Petition. The Agency's Motion is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Interim Order was adopted on the 15th day of May, 1975 by a vote of 5 to 0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board