

ILLINOIS POLLUTION CONTROL BOARD
April 4, 1975

HUPP, INC.)
)
) Petitioner,)
))
 vs.) PCB 74-80)
))
 ENVIRONMENTAL PROTECTION AGENCY,)
))
) Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

Respondent, Environmental Protection Agency, has filed a Motion to Vacate or Modify Interim Board Order. That Interim Board Order directed the Hearing Officer to set a hearing date. Agency now requests that no hearing be held stating that in the opinion of the Agency Petitioner can qualify for an operating permit and if such a permit is granted the issues raised in this matter will be rendered moot. The Agency further states that it believes Petitioner will join in the motion to obviate the necessity of a hearing.

This matter has been pending for a considerable period of time. Petitioner has not, in fact, joined with the Agency in the motion and might not wish to abandon its petition. If Petitioner does wish to withdraw the petition we should be so advised.

Since we have not heard from Petitioner we will schedule the case for hearing.

Motion to Vacate or Modify Interim Board Order is denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 4th day of April, 1975 by a vote of 3 to 0.

Christan L. Moffett