

ILLINOIS POLLUTION CONTROL BOARD  
September 19, 1974

FIRST NATIONAL BANK AND TRUST )  
COMPANY OF EVANSTON, Trustee )  
of Trust Number R-1692, and )  
S. S. KRESGE COMPANY )  
PETITIONER )

v. )

PCB 74-308

ENVIRONMENTAL PROTECTION AGENCY )  
RESPONDENT )

ORDER OF THE BOARD (by Mr. Marder)

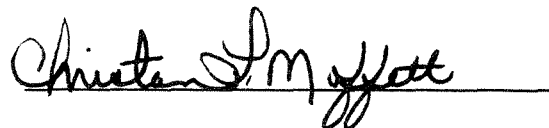
This matter, coming to be heard on the Joint Motion for Waiver of Hearing, filed September 12, 1974, the Board being fully apprised of the premises herein, finds as follows:

1) That Sec. 40 of the Environmental Protection Act (Ill. Rev. Stat., Chap. 111 1/2, Sec. 1040) mandates a hearing in a permit denial case;

2) That though the parties have waived their right to hearing in this matter, it is the intent of the Act that public participation be allowed and matters aired at a public hearing;

Therefore, IT IS THE ORDER of the Pollution Control Board that the Joint Motion for Waiver of Hearing is denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 19th day of September, 1974, by a vote of 5 to 0.

  
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