

ILLINOIS POLLUTION CONTROL BOARD  
June 26, 1975

ILLINOIS POWER COMPANY, )  
 )  
 ) Petitioner, )  
 )  
 )  
 ) v. ) PCB 75-31  
 )  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by Mr. Dumelle):

Motion to Grant Variance Without Hearing filed by the Illinois Environmental Protection Agency on June 20, 1975 is denied. The Statement in Support of the Motion filed by Illinois Power on June 24, 1975 to the extent that it can be construed as a similar motion is also denied.

Two timely communications were filed in this matter thus initially mandating a public hearing under Section 37 of the Environmental Protection Act. These communications were received on February 11, 1975 and March 10, 1975. An additional intervention by a citizens group was made on April 3, 1975.

A public hearing was set for April 21 and proper legal notice given. The hearing was postponed at Petitioner's request. On June 25 the Salt Creek Association withdrew its March 10, 1975 request for a hearing. On June 26, the Citizens for a Better Environment filed a Petition Not to Hold Hearings. The citizen letter filed February 11, 1975 has not been withdrawn and can be construed as an objection.

Even if the February 11 letter is not construed as an objection, the argument is persuasive that others of the public might have also asked for a hearing had they known objections then on file were to be withdrawn later. Legal notice had been given for a public hearing. We feel it is the better public policy to continue with a hearing to remove any potential legal problems if one were not to be held. The Board thus determines that a hearing is advisable under Section 37 of the Act. If all parties and the public

are in agreement on the issues then the hearing should not be potracted. If they are not, then the Board will have a better record before it on which to base its decision.

We urge to Petitioner to provide a transcript at the earliest possible time and to send copies to each Board Member's office directly.

Mr. Zeitlin dissents.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 26<sup>th</sup> day of June, 1975 by a vote of 3 - 1.

Christan L. Moffett (g)  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board