ILLINOIS POLLUTION CONTROL BOARD
May 8, 1975

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

ORDER OF THE BOARD (by Mr. Henss):

Petitioner Hupp, Inc. has filed a Motion to Vacate Interim Board Order. That Interim Board Order had directed the Hearing Officer to set a hearing date. The parties now agree that no hearing is necessary because Petitioner can qualify for an operating permit, and if such a permit is granted the issues raised in this matter will be rendered moot.

On April 4, 1975 we refused to cancel the hearing because Petitioner had not joined in the request. Now that it is clear both parties desire the same relief we shall cancel the hearing. If operating permit is issued this matter will eventually be dismissed as moot and in that event a hearing will be unnecessary.

It is ordered that the Motion to Vacate Interim Board Order be allowed. The Hearing Officer is directed to cancel all hearings and to hold this matter in abeyance until after the Agency has ruled on Petitioner's application for operating permit.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 8th day of May, 1975 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board