

ILLINOIS POLLUTION CONTROL BOARD
April 24, 1975

MOTOR WHEEL CORPORATION,)
 Petitioner,)
)
) PCB 75-70
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

ORDER OF THE BOARD (by Mr. Dumelle):

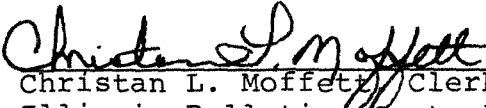
Motor Wheel Corporation (Petitioner) filed a second Motion for Disposition Without a Hearing of its variance request. On March 26, 1975 the Board ordered a hearing in the above captioned case pursuant to an Environmental Protection Agency (Agency) Objection and Motion for Hearing that was filed on March 13, 1975. The Board denied Petitioner's Motion for Disposition Without a Hearing filed on March 12, 1975. On April 1, 1975 the Environmental Protection Agency filed a Recommendation to grant the requested variance from Rule 205(f) of the Air Pollution Control Regulations until May 30, 1975. The Agency specifically withdrew its objection which was filed on March 13, 1975.

Petitioner requests a variance from both Rule 103(b) and Rule 205(f) of the Air Pollution Regulations. The Agency recommends that the Board grant the variance from Rule 205(f) and deny the variance from Rule 103(b). The Agency, by withdrawing its objection, removes the statutory necessity for holding a hearing in that no other objection was filed within 21 days of the date Petitioner requested a variance. Had the Agency filed its Recommendation rather than a formal objection within 21 days, the Board would be mandated to hold a hearing because Petitioner had requested a variance from Rule 103(b) and the Agency had objected in its Recommendation to such a grant. However, because the Agency has requested to withdraw its previously formal objection, the Board is free to exercise its discretion whether or not to hold a hearing pursuant to Procedural Rule 405(b).

The Board hereby amends its Order of March 26, 1975 and directs that this variance request be decided without a hearing.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 24th day of April, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board