ILLINOIS POLLUTION CONTROL BOARD
September 3, 1981

ILLINOIS FRUIT & PRODUCE CORP., Petitioner,	)	
v.	)	PCB 81-104
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

ORDER OF THE BOARD (by D. Anderson):

On August 13, 1981 Illinois Fruit & Produce Corp. filed a motion to waive hearing and to consolidate the record in this variance matter with the record in an enforcement proceding, IEPA v. Illinois Fruit & Produce Corp. and The Atchison, Topeka & Santa Fe Co. PCB 80-181. Hearings are concluded in the latter and it appears to be ready for decision. The Board will incorporate the enforcement record into the variance and the variance into the enforcement action. However, the Board will not at this time consolidate the cases for decision, but will consider this with the case, in order to avoid making the enforcement action subject to a decision date. Because Illinois Fruit is willing to stand on the record in the enforcement case and because a hearing has been held in the enforcement case, the Board will not require an affidavit [Procedural Rule 401(b)]. The Board notes that waiver of hearing was an amendment to the amended variance petition which restarted the decision period. The motion is granted in part.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3rd day of September, 1981 by a vote of 5-0.

Christan L. Moffett, Clerk
Illinois Pollution Control Board