

ILLINOIS POLLUTION CONTROL BOARD

January 9, 1975

MARBLEHEAD LIME COMPANY,)
)
 Petitioner,)
)
 vs.) PCB 74-146
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

Marblehead Lime Company on December 18, 1974 filed "Motion for Leave to Amend and for Consideration of the Merits of Said Petition". The Environmental Protection Agency has not filed any response or objections to the motion.

In the Motion Petitioner requests that it be granted leave to amend its Petition for Variance and that the Board proceed to decide the issues on the basis of the Amended Petition and the record submitted at the public hearing which has already been held. It appears that the Amended Petition requests substantially the same relief as was requested originally in April 1974 and that the amendments are intended to conform the pleadings to the proof. We do not believe that the public or the Agency will be prejudiced by the granting of this motion since new issues of substance are not introduced.

Therefore, it is ordered that the Motion be allowed; that any hearings heretofore scheduled be cancelled; and that the case be taken on the Amended Petition for Variance and the record presented.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 4th day of January, 1975 by a vote of 5 to 0.

Christan L. Moffett