

ILLINOIS POLLUTION CONTROL BOARD
October 8, 1981

CITY OF MARQUETTE HEIGHTS,)
)
) Petitioner,)
)
) v.) PCB 81-15
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

On September 24, 1981 the City of Marquette Heights (City) filed a motion for oral argument and a motion to strike the Illinois Environmental Protection Agency's (Agency's) recommendation in this matter. Both motions are hereby denied.


The Board does not favor oral argument and will not grant it under normal circumstances. Since no allegations are made of necessity for such argument, it will not be granted in this case.

The grounds for striking the Agency recommendation are that the preparer of the recommendation was not qualified to prepare it and that the Agency failed to include an estimate of the costs of compliance. The Agency recommendation is simply a statement of the Agency's position regarding the variance request. It is not the testimony of any individual. That it was signed by an agent of the Agency is sufficient. Further, the City has had an opportunity to rebut any aspects of the recommendation with which it disagrees.

Finally, the failure to estimate costs is not a defect which subjects the recommendation to being stricken.

IT IS SO ORDERED.

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



Christian L. Moffett, Clerk
Illinois Pollution Control Board