

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1980

VILLAGE OF BURLINGTON,)
)
) Petitioner,)
)
) v.) PCB 80-203
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

On December 15, 1980, the Village of Burlington (Burlington) filed an amended petition for variance in response to a Board order for more information issued on November 20, 1980. The petition requests variance from the Barium limitation of Rule 304(B)(4) of Chapter 6: Public Water Supplies, and requests a hearing.


Unfortunately, the amended petition fails to state the precise extent of the relief sought (i.e. what barium standard is requested). Secondly, hearing is requested "especially in view of the fact that there are insufficient funds to implement any alternatives" (amended pet., p.3). Because of this, and since the petition was apparently written without consultation with counsel (amended pet., p.1), the Board is uncertain as to whether a request for a hearing was actually intended. In that regard, the Board makes the following observations:

1. The petitioner must provide transcripts of the hearing at its own cost except upon petition and good cause shown (Procedural Rule 412);
2. A hearing serves little purpose if there are no disputed issues of fact;
3. A hearing can be requested upon the filing of a negative recommendation by the Agency (Procedural Rule 406); and
4. If hearing is waived, an affidavit attesting to the truth of facts alleged in the petition must be submitted.

Unless an amended petition is filed within 45 days of the date of this order curing the above-noted defects, the petition will be subject to dismissal.

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 18th day of December, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board