

ILLINOIS POLLUTION CONTROL BOARD
September 8, 1983

WILLOWBROOK MOTEL PARTNERSHIP,)
)
 Complainant,)
)
 v.) PCB 81-149
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY, COUNTY OF DU PAGE, et al.)
)
 Respondent.)

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

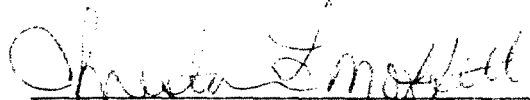
This matter comes before the Board upon an August 2, 1983 motion for reconsideration and oral argument. The Illinois Environmental Protection Agency (Agency) responded to the motion on August 15 1983. Willowbrook filed a brief with supporting documents on August 17, 1983 and the Agency again responded on September 2, 1983. Except for Exhibit F (attached to the motion), the motion fails to include any newly discovered evidence which by due diligence could not have been discovered prior to the Board's final decision, and does not allege fraud or that the Order is void (see 35 Ill. Adm. Code 103.241). Exhibit F, a letter from the DuPage County Department of Public Works, indicates that improvements to the Marionbrook Treatment Plant (MTP) resulted in an improvement of effluent quality for the month of July, 1983. That, in turn, could result in a lessening of the adverse environmental impact which would be caused by granting of variance. Therefore, the Board will grant reconsideration to consider that single issue, but affirms its prior Opinion and Order.

Despite the apparent improvement in the MTP's performance, there is no indication that restricted status has been lifted. The thrust of the Board's July 14, 1983 Order is that no hardship, other than that which was self-imposed, was proven. If there is no hardship shown, consideration of the environmental impact is unnecessary since no arbitrary or unreasonable hardship could be shown, except, perhaps if the granting of variance would result in an environmental improvement, which has not been alleged here. Since the Board cannot find arbitrary or unreasonable hardship, variance must be denied.

Finally allowance of oral argument is discretionary, and the Board will not grant it absent a compelling reason. No such reason has been given here. That motion is hereby denied.

IT IS SO ORDERED.
Board Member W. Nega abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8th day of September, 1983 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board