

ILLINOIS POLLUTION CONTROL BOARD  
January 7, 1982

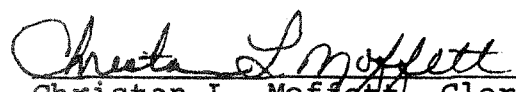
WILLOWBROOK MOTEL PARTNERSHIP, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-149  
 )  
 ) ILLINOIS ENVIRONMENTAL PROTECTION )  
 ) AGENCY AND THE COUNTY OF DU PAGE, )  
 )  
 ) Respondents. )

ORDER OF THE BOARD (by I. Goodman):

On December 10, 1981 the Illinois Environmental Protection Agency (Agency) moved for reconsideration of the Board's Order of November 19, 1981. The Board reaffirms that its authority to review this variance pursuant to Section 35 of the Act is nowhere limited by Judge Teschner's order in People of the State of Illinois v. County of DuPage, 80 MR 432, December 8, 1980, and adds that petitioner's right to request a variance and receive Board review of the same is nowhere limited by that order. Furthermore, the Board cannot arbitrarily dismiss this cause prior to such review. Dismissal would be proper if Petitioner's need for a variance was non-existent, as in SCA Services, Inc. v. Illinois Pollution Control Board, 71 Ill. App.3d 715, 389 N.E.2d 953, 78 PCB 276, wherein the Petitioner's variance request was useless because the need to obtain relief from Board regulations was non-existent, its operations having been barred by a court order. This Petitioner needs relief from the rules on Restricted Status, as well as possibly the court order in The People of the State of Illinois v. County of Du Page, id. Respondent's motion is hereby denied.

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 7<sup>th</sup> day of January, 1982 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board