

ILLINOIS POLLUTION CONTROL BOARD
August 18, 1977

VILLAGE OF WINFIELD,)
)
 Petitioner,)
)
 v.) PCB 77-207
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

The Petition for Variance filed on August 3, 1977, by the Village of Winfield is inadequate for the following reasons: 1) it fails to indicate whether a hearing is requested or waived, as required by Procedural Rule 401(b), 2) it fails to state by what date completion of the interim treatment works upgrading and expansion program is anticipated, and 3) although the petition indicates that notice of filing was sent to the Attorney General's Office, it fails to indicate whether the petition was filed with the Illinois Environmental Protection Agency as required by Section 37 of the Environmental Protection Act.

Petitioner shall amend the petition to provide the above information within 45 days of the date of this Order. The statutory 90-day decision period shall begin to run with the filing of the amended petition. Failure to file an amended petition providing the necessary information shall subject the petition to dismissal for inadequacy.

Petitioner has also filed a Motion to Consolidate this variance proceeding with an enforcement proceeding currently pending before the Board, Environmental Protection Agency v. Village of Winfield, PCB 77-114. The Board will consider the Motion to Consolidate upon Petitioner's filing of the amended variance petition. However, in a variance proceeding the Board is constrained by the 90-day decision

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period requirement of Section 38 of the Act, which does not apply in an enforcement proceeding. Therefore, a waiver by the Village of the 90-day rule will be necessary to enable the Board to consider the Motion to Consolidate.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 18th day of August, 1977 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board

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