

ILLINOIS POLLUTION CONTROL BOARD  
July 12, 1973

THE MIDWAY ORGANIZATION, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 73-198  
 )  
 FRANCIS P. KANE, )  
 DEPARTMENT OF PUBLIC WORKS, and )  
 METROPOLITAN SANITARY DISTRICT )  
 OF GREATER CHICAGO, )  
 )  
 Respondents. )

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Motion has been filed by the Metropolitan Sanitary District to vacate or modify our June 21, 1973 Order, which deferred hearing on the complaint and directed that such hearing be held at a location within the community involved, and set at a time convenient to the persons interested in attending. The District asked that we vacate our order because no prior notice of the motion had been received, that relocation will cause an abnormally increased attendance with resulting difficulties in maintaining order, and that in the event hearings are held on weekends or during the evening, the District will be obliged to pay personnel on an overtime basis.

While the absence of notice is a serious contention, we have considered the reasons advanced by the District in opposing the original order and believe that no useful purpose would be served by vacating the Order and reconsidering it on the same premises presently advanced by the District. We are not persuaded that a large attendance, if in fact such occurs, would result in a disorderly hearing. On the contrary, this Board has throughout its three year existence encouraged participation by all interested parties representing all sides of the various issues involved. Rather than create disorder, we believe that public attendance is compatible with due process requirements that the Board has endeavored to foster.

Furthermore, while we concede that the District may be compelled to make witnesses available who conceivably would be

compensated on an overtime basis, we believe that this risk is inherent in any operation of the sort involved in the instant case, and does not constitute a basis for vacating our original order. Accordingly, the motion to vacate or modify is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 10<sup>th</sup> day of                     , 1973, by a vote of 4 to 2.

Christ L. Moffett