

ILLINOIS POLLUTION CONTROL BOARD
August 26, 1991

VILLAGE OF FOX RIVER GROVE,)
)
 Petitioner,)
)
 v.) PCB 91-104
) (Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On August 22, 1991, the Board received, from the Illinois Environmental Agency (Agency), a letter sent to the Agency from the State's Attorney of McHenry County. The letter states that McHenry County does not support grant of variance. On August 23, 1991, the State's Attorney sent a letter advising the Board that McHenry County was not requesting that a hearing be conducted, but repeated its opposition to grant of variance.

On August 26, 1991, the Board received a letter from Marguerite Sutton of Fox River Grove, requesting a public hearing "so that the citizens of Fox River Grove may ascertain the extent of pollution in their groundwater".

We note that the Board, in an August 22, 1991, Order, had cancelled a hearing in response to the withdrawal of an earlier, timely filed objection. The Illinois Environmental Protection Act provides in pertinent part in Section 37(a) that, in a variance proceeding, the Board may in its discretion schedule a hearing, and shall do so if any person files an objection within 21 days. The Village of Fox River Grove filed a petition for variance on June 21, 1991 and an amended petition on July 19, 1991; thus the latest objections were not timely filed and the question of hearing is a matter of Board discretion.

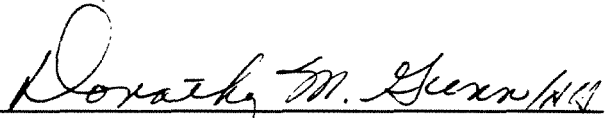
The Board has determined not to reverse its prior cancellation of the hearing. The timeliness of the McHenry County objection is no longer an issue after its clarification on the hearing question. In considering Ms. Sutton's request, we have attempted to balance the interests of all concerned, including our own as decisionmaker. We suggest that Ms. Sutton's general concerns about groundwater pollution might, at least in the first instance, best be addressed at the local level. In any event, the issue before the Board in this variance proceeding is

limited to the sole question of whether to allow extension of the Village's water supply mains prior to the Village's achieving compliance with the Board's trichloroethylene standard.

IT IS SO ORDERED.

B. Forcade and J. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 26th day of August, 1991 by a vote of 5-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board