

ILLINOIS POLLUTION CONTROL BOARD  
May 27, 1982

VILLAGE OF ALGONQUIN, )  
)  
Petitioner, )  
)  
v. ) PCB 82-41  
)  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Respondent. )


ORDER OF THE BOARD (by J. Anderson):

This amended petition filed May 27, 1982 contains an unacceptable waiver of hearing; by its language, the Village has reserved the "right" to ask for a hearing only in the event the Board denies its request for a variance. Rule 401(b) of the Board's Procedural Rules requires that a petitioner either unconditionally waive or unconditionally request a hearing at this stage in the proceeding. Such a waiver at this time would not impair the Village's right as explicitly stated in Rule 406(b) to file an amended petition requesting hearing within 7 days of receipt of the Agency's Recommendation.

If an amended petition which unconditionally waives or requests hearing is not filed within 45 days of the date of this Order, this petition will be subject to dismissal.

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 27<sup>th</sup> day of May, 1982 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board