

ILLINOIS POLLUTION CONTROL BOARD  
December 2, 1982

JOHN F. BURNS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 80-31  
 )  
 VILLAGE OF WESTERN SPRINGS, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. D. Dumelle):

On November 12, 1982 John F. Burns filed what the Board construes as a motion for hearing. Enclosed with that motion is a copy of Village of Western Springs v. PCB and John F. Burns, No. 81-117 (1st Dist., 2nd Div., August 10, 1982). While there is no proof of service upon Western Springs, Western Springs has indicated that it has no objection to the motion.

The Board entered its Opinion and Order in this matter on February 19, 1981 (40 PCB 495) finding Western Springs in violation of Section 12(a) of the Environmental Protection Act and ordering Western Springs to cease and desist. That order was readopted on April 16, 1981 (41 PCB 243) and stayed on May 28, 1981 (41 PCB 471) pending final judicial review. The Board's order was affirmed by the First District Appellate Court on March 30, 1982. However, Western Springs moved to supplement the record before the appellate court and while that motion was denied, the court ordered further hearings before the Board.

In conformity with that order, the Board hereby orders further hearings on evidence discovered by Western Springs subsequent to October 21, 1980 respecting the economic feasibility of the pollution abatement with Western Springs bearing the burden of persuasion. Further, on its own motion the Board extends the stay of its Order which was granted May 28, 1981 until the Board issues a final order in this matter.

IT IS SO ORDERED.

Board Member J. Anderson abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 2<sup>ND</sup> day of December, 1982 by a vote of 2-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board