

ILLINOIS POLLUTION CONTROL BOARD  
April 27, 1989

VILLAGE OF NORTH AURORA, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 89-66  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On April 14, 1989, the Village of North Aurora ("North Aurora") filed a motion to modify an October 15, 1987 Order of the Board. This motion is construed by the Board as a petition for variance extension and will be docketed as a new petition for variance. North Aurora submitted a filing fee on April 18, 1989. North Aurora's petition is deficient in these respects:

- 1) Assuming that petitioner wishes to incorporate the previous order from PCB 87-83 into the current petition in PCB 89-66, the petitioner must identify any facts or assertions which have changed since the variance in PCB 87-83 was granted.
- 2) If petitioner wishes to incorporate, in part or in whole, the record from the prior proceeding in PCB 87-83, the petitioner must resubmit copies of those documents to the Board for review in the current proceeding.
- 3) A statement of consistency with federal law as required by 35 Ill. Adm. Code 104.122 and
- 4) A statement on whether or not a hearing on the petition is desired by petitioner, or, in the alternative, a statement waiving a hearing accompanied by such affidavits or other proof in support of the material facts alleged in the petition as the petitioner may submit, sufficient to enable the Board, if it so decides, to rule upon the petition without a hearing.

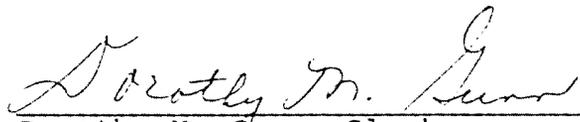
Since the Board received a filing fee from North Aurora on April 18, 1989, the statutory time periods for action required of the Illinois Environmental Protection Agency and the Board begin

running on that date. However, that statutory time period will restart upon the date of North Aurora's filing an amended petition.

Unless an amended petition is filed within 45 days of the date of this Order, curing the above-noted defects, this matter will be subject to dismissal.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27<sup>th</sup> day of April, 1989, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board