

ILLINOIS POLLUTION CONTROL BOARD
August 15, 1985

HAWTHORN REALTY GROUP, INC.,)
)
 Petitioner,)
)
 v.)
)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY, and)
VILLAGE OF LINCOLNSHIRE,)
)
 Respondents.)

PCB 85-85

ORDER OF THE BOARD (by R. Flemal):

On August 8, 1985, Petitioner, Hawthorn Realty Group, Inc. ("Hawthorn"), filed a motion for determination of date of filing petition. This motion requests that the Board determine the date of filing of this variance petition in order to calculate the statutory 90-day decision deadline.

Hawthorn originally filed a variance petition on June 18, 1985. On June 27, 1985, the Board entered an Order requiring Hawthorn to file an amended petition adding the Village of Lincolnshire ("Lincolnshire") as a necessary party respondent and the necessary proof of service. On July 16, 1985, Hawthorn filed proof of service on Lincolnshire along with a cover letter. On July 17, 1985, Lincolnshire filed a motion for leave to file written objections to petitioner Hawthorn's petition for variance. This motion contained statements indicating that Lincolnshire anticipated Hawthorn filing an amended petition in the near future and requested the opportunity to file comments prior to the hearing scheduled for August 15, 1985. On August 1, 1985, the Board, anticipating that Hawthorn was still intending to file an amended petition adding specific allegations regarding respondent Lincolnshire, cancelled the impending scheduled hearing.

The instant motion makes clear that Hawthorn does not intend to file an amended petition in this matter. Since the petition is no longer inadequate, because of the filing of proof of service on Lincolnshire, the 90-day statutory time clock shall run from July 16, 1985, the date of filing of said proof of service. This matter is, therefore, directed to hearing as quickly as possible.

IT IS SO ORDERED.

B. Forcade abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of August, 1985, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board