

ILLINOIS POLLUTION CONTROL BOARD  
May 1, 1981

VILLAGE OF ORLAND PARK, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-35  
 )  
 ) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On April 29, 1981, 981 residents of the Village of Orland Park (Village) filed a petition requesting that a hearing be held concerning this petition for variance; 85 additional signatures were filed on May 1, 1981. In addition, Mr. Wayne Mraz requested that the petition for variance be "withdrawn" because he alleges it does not represent official action by the Village Board.

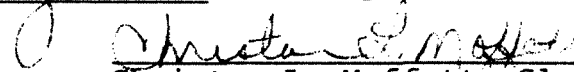
The Board will construe this petition as a motion for hearing or, alternatively, to dismiss. The time for filing an objection pursuant to Section 37 of the Environmental Protection Act (Act) has elapsed, and the Village has waived hearing. Although the Board may, in its discretion, order that hearing be held, the Board declines to do so in this case, because the 90 day decision period mandated by the Act will have elapsed before the Board can give required 21 day notice of hearing, hold the hearing, receive and review transcripts, and reach a final decision.

Section 38 of the Act states that if the Board does not take final action on a variance petition within 90 days of its filing, variance is automatically granted for a one year period. (The Board does not favor such automatic variances especially since they might not contain the conditions that the Board would consider necessary to minimize environmental or health impacts.) The Board must take final action on this matter no later than its May 28, 1981 regularly scheduled meeting. The 90-day time period cannot be extended by the Board, but may be extended by the petitioner in its discretion.

The request to order a hearing is therefore denied. The request to "withdraw" the variance petition is also denied, as the petition was filed by a person with apparent authority to represent the Village in this matter. The Board, however, will consider this citizen's petition as public comment concerning the petition for variance.

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 15<sup>th</sup> day of May, 1981 by a vote of 4-0.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
41-345 Illinois Pollution Control Board