

ILLINOIS POLLUTION CONTROL BOARD  
May 29, 1980

CITY OF MORRIS, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 80-73  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

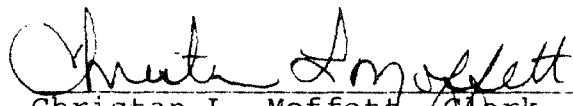
ORDER OF THE BOARD (by J. Anderson):

On May 15, 1980, the City of Morris filed an addition to amended petition for variance. The addition still fails to unequivocally request or waive a hearing as required by Procedural Rule 401(b) and the Board's Order of April 17, 1980. Such request or waiver must be made without conditions or qualifications. Waiver of hearing upon filing of the petition does not a) waive the right granted petitioner under Rule 407(c)3 to file an amended petition requesting a hearing within 7 days of receipt of an Environmental Protection Agency (EPA) recommendation; b) change the Board's duty to authorize a hearing (even if waived by petitioner), if the Agency or any other person files an objection to a petition within 21 days of its filing under Rule 407(c)(2), or c) prevent the Board from holding a hearing at its own discretion pursuant to Rule 407(b)(4).

Failure to make an unequivocal request for hearing or waiver of hearing within 45 days of the date of this order may result in a dismissal of this petition for inadequacy.

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 29th day of May, 1980, by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board