

ILLINOIS POLLUTION CONTROL BOARD
April 28, 1977

TRUST #182, CRAWFORD COUNTY STATE)
BANK, ROBINSON, ILLINOIS,)
(FAIRFIELD LAMPLIGHT MANOR)
APARTMENT COMPLEX), and)
CITY OF FAIRFIELD,)
)
Petitioner,) PCB 76-324
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin):

This matter is before the Board on an Amended Petition for Variance filed by Petitioner City of Fairfield on January 20, 1977. The Environmental Protection Agency's Recommendation was filed on March 3, 1977, and a hearing was held in the matter on March 23, 1977, in Fairfield, Illinois. The City of Fairfield was present at that hearing, as a party, pursuant to an Interim Order of the Board entered March 17, 1977, directing that the City be joined.


Rule 412(a) of the Board's Procedural Rules requires that, "A complete stenographic transcript of the proceedings of the hearing..." be provided by a variance petitioner. Contrary to that Rule, no stenographic transcript was provided by Petitioner. Instead, the Petitioner taped the proceedings at the March 23, 1977, hearing and transcribed those tapes; that transcription was received by the Board on April 20, 1977.

If Petitioner does not cure the existing defect in the record resulting from violation of Procedural Rule 412(a), (see waivers filed April 14 and 28, 1977), the case on May 12, 1977, shall be considered for dismissal.

Petitioner may file an appropriate waiver of the 90-day decision period, pending receipt of a transcript complying with Rule 412(a), or an appropriate motion under Rule 412(b). Inasmuch as such action would require another hearing in this matter, Petitioner may, alternatively, waive a hearing under Procedural Rule 401(b), and request decision on the pleadings.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 28th day of April, 1977, by a vote of 50.



Christan L. Moffett, Clerk
Illinois Pollution Control Board