

ILLINOIS POLLUTION CONTROL BOARD
July 14, 1983

VILLAGE OF LOMBARD,)
)
 Petitioner,)
)
 v.) PCB 82-152
)
ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a June 27, 1983 motion for rehearing and modification of the Board's June 16, 1983 Order, a June 29, 1983 motion for intervention, rehearing and modification and a July 13, 1983 motion for oral argument filed by George W. Fyler. The June 27 motion fails to allege any reasons for rehearing while the June 29 motion alleges "new evidence of continued fraud." Neither motion contains proof of service upon the parties although the June 27 motion does indicate that copies were sent.

First, Mr. Fyler was an active participant in these proceedings, but the record does not indicate that he attempted to intervene prior to the June 29 motion, despite the fact that he refers to himself as an intervenor in his June 27 motion. The June 29 motion for intervention is not timely as required by 35 Ill. Adm. Code 103.142(a) in that a decision has already been reached in this matter and to allow rehearing based upon untimely intervention would not allow for an "expeditious hearing." Therefore, intervention is denied as are the other motions since Mr. Fyler has no standing to request such relief.

Second, even if intervention had been granted the remaining motions would necessarily be denied in that they fail to specify any reason for rehearing other than the bare allegation of fraud. Without more, the Board could not determine whether rehearing would be justified or even whether the Board would have jurisdiction to hear the claims.


Third, the Board notes that its June 16 Order allowed a construct-only permit to be issued. Based upon a July 7, 1983 filing of a letter from Mr. Fyler to the Illinois Environmental Protection Agency, his allegations pertain, at least in part, to the likelihood that improvements and repairs to the Village of Lombard's sewer system will not remedy the overloading problems on the Grove Combined Sewer or the Grove Storm Sewer such that they may be removed from Restricted Status. Such information was taken into account in the Board's Order which will not allow connection to the sewer system prior to termination of Restricted Status. Thus, surcharging problems cannot be aggravated.

Finally, other allegations of "fraud, concealment of facts, and falsification of data which indicates the need for a grand jury investigation" appear not to be directed to the Board (July 7 letter).

Therefore, all of Mr. Fyler's motions are hereby denied.

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 14th day of July, 1983 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board