

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1983

TOWN OF OTTAWA,)	
)	
Petitioner,)	
)	
V.)	PCB 83-135
)	
LASALLE COUNTY BOARD AND)	
STATES LAND IMPROVEMENT)	
CORP.,)	
)	
Respondent.)	
)	
VILLAGE OF NAPLATE,)	
)	
Petitioner)	
)	
V.)	PCB 83-136
)	
LASALLE COUNTY BOARD AND)	
STATES LAND IMPROVEMENT)	
CORP.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer)


These cases were consolidated for purposes of hearing by the Board on September 23, 1983. On October 13, 1983 the Hearing Officer's order establishing a briefing schedule in both matters was filed with the Board. That same order concluded that no hearings were to be set since it was agreed that hearings held previously had afforded the public sufficient opportunity to participate.

Both of these cases are third party appeals brought pursuant to Section 40.1(b) of the Environmental Protection Act. That Section provides that the Board shall hear these petitions "in accordance with subsection (a) of this Section and its procedural rules governing denial appeals...". Subsection (a) of Section 40.1 provides that a petition for hearing be filed, that the Board notice the public hearing at least 21 days prior to the date of hearing, and that the hearings be conducted in accordance with Sections 32 and 33(a) of the Act.

The previous hearings referenced in the Hearing Officer's order were held pursuant to Section 39.2, not as Board proceedings pursuant to Section 40.1. As such they did not satisfy that Section's mandate or the intent of the Act as a whole which is to provide public access to the Board's proceedings. [c.f. Waste Management, Inc. v. Board of Supervisors of Tazwell County, 47 PCB 275 (PCB 82-55, June 10, 1982)]. The hearing officer is therefore directed to hold a public hearing on these consolidated cases as soon as possible.

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 19th day of October, 1983 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board