

ILLINOIS POLLUTION CONTROL BOARD  
September 22, 1988

CITY OF SPRINGFIELD, ILLINOIS, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-113  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by R. C. Flemal):

On September 14, 1988 the City of Springfield ("Springfield") filed a Motion for Leave to Amend its Petition for Variance, as previously filed on July 22, 1988. That portion of the motion actually relating to leave to file is granted.

Springfield's September 14, 1988 filing additionally contains the following statement:

Such amendments would not otherwise affect the subject matter of the petition or the nature of the request, and should not be deemed to be an amended petition.

The Board interprets this statement to be a motion for a declaration that the September 14, 1988 filing does not constitute an Amended Petition, and that any consequences which would follow from its designation as an Amended Petition would not follow. This motion is denied.

The Board has repeatedly held that filing of new information within a motion is equivalent to filing an Amended Petition, and that among other matters, preservation of rights of Respondent and objectors (of which there are several in the instant matter) to adequately assess the new information requires that the 120-day decision clock be restarted (e.g., Mobil Oil Corp. v. IEPA, PCB 84-37 at 59 PCB 267 and 60 PCB 41; Marathon Petroleum Co. v. IEPA, PCB 85-83 at 66 PCB 25; City of Geneva v. IEPA, PCB 86-225 at 78 PCB 11 and 78 PCB 378).

In summary, Springfield's September 14, 1988 filing is accepted as an Amended Petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22<sup>nd</sup> day of September, 1988, by a vote of 7-0.

Dorothy M. Gunn, Clerk  
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Illinois Pollution Control Board