

ILLINOIS POLLUTION CONTROL BOARD

June 6, 1996

IN THE MATTER OF:	)	
	)	
PETITION OF THE CITY OF	)	AS 96-7
BELLEVILLE, ILLINOIS FOR ADJUSTED	)	(Adjusted Standard - Water)
STANDARD FROM 35 ILL ADM. CODE	)	
306.305(b)	)	

ORDER OF THE BOARD (by E. Dunham):

On May 15, 1996, the Illinois Environmental Protection Agency (Agency) filed a Motion to Dismiss. The City of Belleville has not filed a response to the motion.

Belleville filed an adjusted standard petition on January 22, 1996. Notification of the petition was published in The Belleville News Democrat on February 14, 1996. In response to a Board order, Belleville filed an amended petition with the Board to cure deficiencies in the original petition. Petitioner has waived hearing on the petition.

The Agency claims that the petition filed by Belleville should be dismissed because the petition does not satisfy the informational requirements of 35 Ill. Adm. Code 106.705(g) and Section 28.1(c) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/28.1(c) (1994). In addition, the Agency claims that the petition should be dismissed because material facts in the petition were not verified by affidavit as required by 35 Ill. Adm. Code 106.706.

The Board agrees with the Agency that the petition remains deficient in the areas as specified in the Agency's motion. However, the Board does not believe that dismissal of the petition at this time is necessary. The deficiencies in the petition can be corrected by the filing of an amended petition and the filing of supporting affidavits. The Board reminds the parties that it is the burden of the petitioner to show that the adjusted standard is justified. The Board also refers the petitioner to the Board's procedural rules at 35 Ill. Adm. Code Subtitle A for filing requirements.

The Board will allow until July 26, 1996 for Belleville to file an amended petition and supporting affidavits to correct the deficiencies in the petition as noted in the Agency's motion. Failure to file an amended petition may result in the dismissal of the 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 \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board