

ILLINOIS POLLUTION CONTROL BOARD

October 4, 2001

CITY OF STREATOR, ILLINOIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 02-4
	)	(NPDES Variance – Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

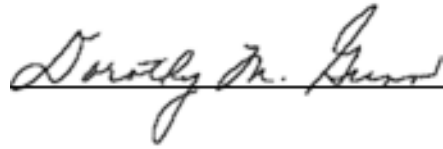
On July 13, 2001, the City of Streator (petitioner) filed a petition for variance (petition) from Section 35 Ill. Adm. Code 402, restricted status. On August 9, 2001, the Board directed petitioner to file an amended petition that adequately addressed the content requirements of 35 Ill. Adm. Code 104.204. The Board granted petitioner until September 10, 2001, to file the amended petition, and granted the Illinois Environmental Protection Agency (Agency) until October 10, 2001, to file a recommendation. Petitioner filed its amended petition on September 10, 2001. On September 19, 2001, Agency attorney Connie Tonsor filed a motion to withdraw due to medical reasons. On September 20, 2001, the Agency filed an appearance by Agency attorney Deborah Williams and motion for extension of time to file the recommendation on or before November 9, 2001 (motion). On September 25, 2001, petitioner filed a motion to oppose the extension of time (Opp. Mot.). Ms. Tonsor's motion to withdraw is granted. For the reasons stated below, the Agency motion for extension of time is granted until October 31, 2001.

The Agency argues that it does not have sufficient time to file a recommendation by October 10, 2001. Mot. at 2. The case was transferred to Ms. Williams, who had a previously scheduled vacation from September 20 through September 30. Mot. at 2. Petitioner alleges it will be prejudiced if the motion for extension of time is granted, because it cannot add sewer connections while on restricted status. Opp. Mot. at 2.

The Board is not persuaded that petitioner will be prejudiced if the Board grants the Agency an additional 21 days to file the recommendation. Additionally, the Board finds that the Agency has justified its request for additional time to file the recommendation. Therefore, the Board grants the Agency until October 31, 2001, to respond to the amended petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 4, 2001, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board