

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1995

THE GALESBURG SANITARY DISTRICT,)	
)	
Petitioner,)	
)	
v.)	PCB 96-46
)	(Variance-Water)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Yi):

On August 23, 1995 the Galesburg Sanitary District (District) filed a petition for variance for its wastewater treatment plant located at 2700 W. Main Street, Galesburg, Knox County Illinois. The District is requesting relief from the requirements of 35 Ill. Adm. Code 304.207(b)(1) as this section applies to the District's deoxygenating waste discharges. The District filed the petition pursuant to Section 35 of the Environmental Protection Act (Act). (415 ILCS 5/35 (1994).) On October 5, 1995 the Board found that we have the authority in a variance proceeding to make a determination as to the interpretation of 35 Ill. Adm. Code 304.207(b)(1), the regulation which petitioner is requesting relief, and established a briefing schedule for the parties.

The Illinois Environmental Protection Agency (Agency) on October 16, 1995 filed a motion for an extension of time to file its brief which is due October 31, 1995. The Agency states that due to the post-hearing briefing schedule in AS 94-20, In the Matter of: Petition of the Galesburg Sanitary District, Galesburg, Illinois For an Adjusted Standard from 35 Ill. Adm. Code 304.105 (Ammonia Nitrogen) requires the Agency attorney, who is assigned to both of these matters, to file its brief on October 27, 1995. The Agency is requesting an extension of time to file until November 13, 1995.

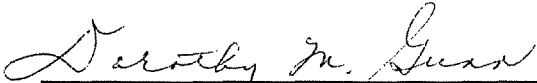
On October 17, 1995 the District filed a response to the Agency's motion. The District does not object to the Agency's request but states that its attorney will be attending a conference November 15-17 and would require additional time to respond.

Since the current decision deadline in this matter will restart from the date of the filing of the amended petition, if this matter proceeds as a variance, and the current decision deadline in this matter is December 21, 1995, we grant the

Agency's motion. The Agency brief is now due on or before November 13, 1995. Since the Agency will be filing its brief on November 13, 1995 and the District's attorney will not be able to respond until after November 17, 1995, the District's response will be due on or before November 23, 1995.

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 19th day of October, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board