

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1993

VILLAGE OF NORTH AURORA,)	
)	
Petitioner,)	
)	
v.)	PCB 93-164
)	(Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

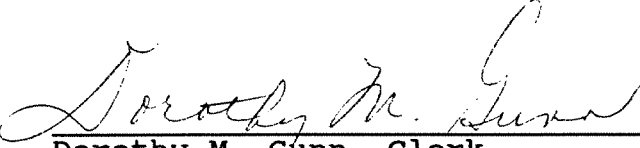
ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on an October 20, 1993, motion to file the recommendation instanter filed by the Illinois Environmental Protection Agency (Agency). Petitioner filed a petition for extension of variance with the Board on September 3, 1993, and the Agency received notice on September 8, 1993. Pursuant to 35 Ill. Adm. Code 104.180(a), the Agency recommendation is to be filed with the Pollution Control Board within 30 days "of the filing of the petition". The recommendation was therefore due to be filed on October 3, 1993. This motion and the recommendation were filed 47 days after the petition was filed, and are 17 days late.

The Board notes that petitioner has waived the decision deadline in this matter 30 days, until February 3, 1994. The Board concludes that petitioner will suffer no prejudice by the granting of this motion. In addition, the Board notes that given the decision waiver, there exists sufficient time for the Board to properly consider this matter. Therefore, the Agency's motion to file the recommendation instanter is hereby granted.

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 21st day of October, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board