

ILLINOIS POLLUTION CONTROL BOARD

September 21, 2000

AMEREN ENERGY GENERATING COMPANY,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 01-16
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	(Variance - NPDES)
)	
Respondent.)	
)	
)	
)	

ORDER OF THE BOARD (by N.J. Melas):

On July 28, 2000, petitioner Ameren Corporation (Ameren) filed a petition for a variance from the Board's general use water quality standard for boron at 35 Ill. Adm. Code 302.208(g) and from the Board's effluent standard for boron at 35 Ill. Adm. Code 304.105. Petitioner's requested variance is for its wastewater discharge into an unnamed tributary of the Mississippi River in Jackson County, Illinois.

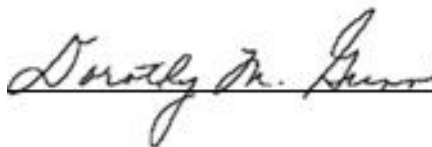
On August 30, 2000, the Illinois Environmental Protection Agency (Agency) filed a motion to extend time to publish notice (motion). The Board's procedural rules at 35 Ill. Adm. Code 104.140(b) state that "Within 10 days after the [variance] petition is filed, the Agency shall publish notice of such petition in a newspaper of general circulation in the county in which the installation or property is located for which the variance is sought."

In the motion, the Agency claims that it sent the public notice for the Ameren petition to the Illinois Press Association on August 3, 2000, for publication in the appropriate newspaper. The ten-day deadline for publication was August 7, 2000, but the public notice was not published until August 16, 2000. In the motion, the Agency requests that the Board extend the deadline for publication in this matter. The Agency also requests that the Board extend the deadline for the filing of objections to the petition to 21 days after the actual date of publication. See 35 Ill. Adm. Code 104.141(a). Ameren has not responded to the Agency's motion and, therefore, has waived an objection to the motion. See 35 Ill. Adm. Code 101.241(b).

In this instance, the Board waives the ten-day deadline for publication at Section 104.140(b) of the Board's procedural rules. The Agency's motion for extension of the ten-day publication deadline is granted. No person has filed an objection to Ameren's petition, and it has been well over 21 days since the publication of the public notice. Thus, the Agency's request that the Board extend the deadline for the filing of objections is denied as moot.

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 September 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board