

ILLINOIS POLLUTION CONTROL BOARD

November 4, 1999

VILLAGE OF WHITE CITY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 00-68
	)	(Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by E.Z. Kezelis):

On October 8, 1999, the Village of White City (White City) filed a petition for a variance from the Board's public water supply regulations. On October 21, 1999, the Board adopted an order directing White City to file an amended petition.

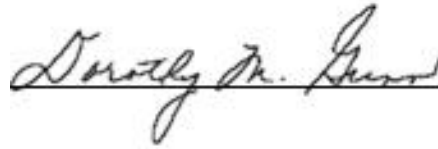
The original petition was filed on behalf of White City by its consulting engineers. Although the Board's current procedural rules would allow White City to be represented by a non-attorney (see 35 Ill. Adm. Code 101.107(a)(3)), the Board recently held that those rules violate the provisions of the Attorney Act (705 ILCS 205/1 (1998)) and the Corporation Practice of Law Prohibition Act (705 ILCS 220/1 (1998)). See In re Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) (July 10, 1997), AS 97-9. Specifically, the Board found that a non-attorney could not represent a corporation in an adjusted standard proceeding without violating both the Attorney Act and the Corporation Practice of Law Prohibition Act. *Id.* The Board believes that the rationale employed in Recycle Technologies applies equally to the situation presented in this matter. Accordingly, White City must be represented by an attorney.

The Board grants White City 30 days in which to retain an attorney. The previously imposed deadline for filing an amended petition of 30 days from October 21, 1999, is hereby extended to 30 days from the date of this order. If White City does not file an amended petition through counsel within this new deadline, the matter will be dismissed and this docket closed.

IT IS SO ORDERED.

Board Member G.T. Girard dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of November 1999 by a vote of 5-1.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board