## ILLINOIS POLLUTION CONTROL BOARD February 22, 1972

ENVIRONMENTAL	PROTECTION	AGENCY	)	
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Preliminary Order of the Board (by Mr. Currie):

On November 30, 1971, Springfield filed a petition for reconsideration and amendment to our order of May 12, 1971, entered against the City in #70-9, EPA v. City of Springfield. The November motion was given a new docket number for convenience and notice of a variance proceeding was published by the Agency. The City has applied for a corrective order, denying that its petition was for a variance and asking that we so indicate and order the Agency to retract its notices.

We do not think the nomenclature critical here, except that the rule requiring our decision within 90 days does not apply unless a variance is sought. Since we have not yet received the Agency's response to the petition for reconsideration, we prefer the City's appellation, which permits us to obtain both sides before deciding the case. Moreover, whether the City chooses to ask for a variance is the City's affair. We therefore grant the application for a corrective order to the extent of stating that the petition for reconsideration and amendment is just that and is not a petition for variance. At the same time, we urge the Agerry to make its views known in the immediate future so that the City's program can be got moving again. The pendency of the petition unresolved is of no use to anybody.

We see no need to order the publication of new notices retracting the old. That would be a pure waste of money. If the Agency's notices have enabled it to obtain relevant information, so much the better.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order this 22nd day of February, 1972 by a vote of 5-0.