

ILLINOIS POLLUTION CONTROL BOARD
June 1, 2006

CITY OF SPRINGFIELD, ILLINOIS, a)	
municipal corporation,)	
)	
Petitioner,)	
)	PCB 06-137
v.)	(Variance – Water)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On February 9, 2006, the City of Springfield (Springfield), located in Sangamon County, filed a petition for a variance. Springfield seeks relief from the Board's dissolved oxygen general use water quality standard, set forth at 35 Ill. Adm. Code 302.206. The granting of the requested relief will allow Springfield to seek certification from the Environmental Protection Agency (Agency) and a permit from the United States Army Corp of Engineers to build temporary dams in the Sangamon River Basin to supplement the City's water supply capacity during periods of severe drought.

On March 16, 2006, the Board ordered Springfield to provide supplemental information in an amended petition. On May 30, 2006, Springfield filed an amendment to its petition for variance. Where the Board orders the petitioner to supplement the information contained in the record, "[f]ilings made in response to the order constitute an amended petition for the purposes of calculating the decision deadline pursuant to Section 104.232 of this Part." 35 Ill. Adm. Code 104.228.

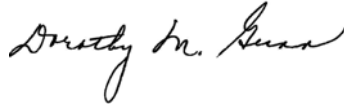
Based on the May 30, 2006 filing date of this amendment, the decision deadline is now September 27, 2006, which only Springfield may extend by waiver (*see* 415 ILCS 5/38(a) (2004); 35 Ill. Adm. Code 104.232(a)(1)). The Board meeting immediately before that date is scheduled for September 21, 2006. Springfield has waived hearing contingent on a positive recommendation by the Agency.

The Board is currently reviewing the amendment to the petition for sufficiency. Unless the Board or the hearing officer orders otherwise, the Agency must file any amended recommendation within 45 days after the filing of the amended petition, or by July 14, 2006, which is 20 days from the date of this order. 35 Ill. Adm. Code 104.216(b). Within 14 days after service of the Agency recommendation, the petitioner may file a response to the Agency recommendation. 35 Ill. Adm. Code 104.220(a).

Along with the amendment, Springfield also filed a motion for expedited review. The Board grants the motion and will consider Springfield's petition as expeditiously as the Board's resources will allow.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 1, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board