

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1977

CITY OF ROCHELLE,)
)
) Petitioner,)
)
)
) v.) PCB 76-255
)
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION OF THE BOARD (by Mr. Goodman):

The City of Rochelle (Rochelle) filed a Petition for Hearing on Denial of Operating Permit on October 13, 1976. Under Rule 502 of the Board's Procedural Rules the Agency, upon notice of the Petition, is required to immediately file with the Board the entire Agency record of the permit application. In this case, however, the record was not filed with the Board until December 20, 1976, some 68 days after the petition was filed. Considering the time constraints of the notice requirement for the hearing under Section 40 of the Environmental Protection Act, the Board was unable to schedule a hearing on this matter within the 90 day time limit provided for in that same Section.

Since no hearing can be held in this matter and since the information presently before the Board is insufficient for the Board to make an informed decision, the Board will not issue a final order in this case.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 6th day of January, 1977 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board