

ILLINOIS POLLUTION CONTROL BOARD

November 1, 2007

IN THE MATTER OF:)
)
PETITION OF THE CITY OF CHICAGO) AS 08-4
HEIGHTS FOR AN ADJUSTED) (Adjusted Standard – Land)
STANDARD FROM 35 ILL. ADM. CODE)
810.103, 814.102, and 814.501(c))

ORDER OF THE BOARD (by T.E. Johnson):

On September 21, 2007, the City of Chicago Heights (City) filed a petition for an adjusted standard. Section 28.1(d)(1) of the Environmental Protection Act (415 ILCS 5/28.1 (2006)) and Section 104.408(a) of the Board’s procedural rules (35 Ill. Adm. Code 104.408(a)) require the adjusted standard petitioner to publish notice of the petition’s filing by advertisement in a newspaper of general circulation in the area likely to be affected by the proposed adjusted standard. Publication must take place within 14 days after the petition is filed. *See* 415 ILCS 5/28.1(d)(1) (2006); 35 Ill. Adm. Code 104.408(b). Within 30 days after filing the petition, petitioner must file a certificate of publication with the Board. *See* 35 Ill. Adm. Code 104.410. Failure to publish within 14 days deprives the Board of statutory authority to hear the petition. *See, e.g., In re* Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c), AS 05-1 (Jan. 6, 2005) (dismissing adjusted standard petition for lack of jurisdiction when publication of notice took place after the 14-day period).

More than 30 days have elapsed since the City filed its adjusted standard petition with the Board. The City has not filed a certificate documenting that the necessary notice of its petition was published within 14 days after the petition’s filing. The Board directs the City to file the required certificate by November 30, 2007, or this petition will be dismissed.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 1, 2007, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board