

ILLINOIS POLLUTION CONTROL BOARD
December 20, 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(d)(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.,* 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).

On November 1, 2007, the Board issued an order stating that although over 30 days had elapsed since the City filed its adjusted standard petition, the City had not filed a certificate of publication. The Board further stated that the petition would be dismissed if the City failed to file the required certificate by November 30, 2007. To date, 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 therefore dismisses this adjusted standard proceeding and closes the docket. Nothing in this order precludes the City from filing another adjusted standard petition for the same relief and providing proof of the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 20, 2007, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board