

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1999

IN THE MATTER OF:)
)
PETITION OF TAKASAGO INTERNATIONAL)
CORPORATION (U.S.A.) FOR AN ADJUSTED) AS 00-4
STANDARD FROM 35 ILL. ADM. CODE 302.208 AND) (Adjusted Standard - Water)
304.105)
)

ORDER OF THE BOARD (by M. McFawn):

On September 10, 1999, Takasago International Corp. (U.S.A.) (Takasago) filed its "Petition for Adjusted Standard" with the Board. The petition seeks an adjusted standard for Takasago's chemical manufacturing plant in University Park, Will County, Illinois. Pursuant to 35 Ill. Adm. Code 106.711, Takasago caused notice of the petition to be published in several south suburban newspapers on September 12, 1999. On September 23, 1999, Takasago filed a certificate of publication.

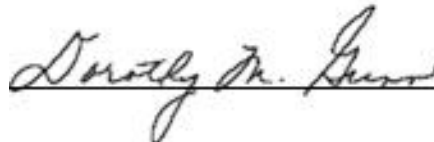
The notice is required to inform interested persons that they may request a hearing on the adjusted standard petition. See 415 ILCS 5/28.1(d)(1) (1998). While Takasago's notice included the information required by Section 28.1(d)(1), two apparent typographical errors in the notice may have impaired the notice's effectiveness. First and most importantly, the ZIP Code in the address to which interested persons are directed to send requests for a hearing was incorrect. That address is the Board's Chicago office, and the ZIP Code published was 60610. The actual ZIP Code of the Board's office is 60601. Because of this error, a request for hearing may not have reached the Board. Second, the case number given in the notice is AS 00-3; the Board has docketed Takasago's petition as AS 00-4.

While these errors are technical violations of 35 Ill. Adm. Code 106.711(b), the Board concludes that these defects are not jurisdictional. The Board accordingly is not required to dismiss Takasago's petition. In the interest of efficiency, the Board will allow Takasago to cure these defects and proceed with this petition. Takasago is hereby directed to publish a new notice, fully compliant with Section 106.711, within 14 days of the date of this order. Upon publication, Takasago must file a new "Certificate of Publication" with the Board.

The Board also notes that a copy of the petition was not served on the Department of Natural Resources, as required by 35 Ill. Adm. Code 106.703. Takasago is hereby directed to serve a copy of the petition on the Department of Natural Resources without delay.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of October 1999 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board