

ILLINOIS POLLUTION CONTROL BOARD

June 5, 1997

CITY OF JOLIET,)	
)	
Petitioner,)	
)	PCB 97-137
v.)	(Variance - Public Water Supply)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on the City of Joliet's (Joliet) petition for variance filed on February 14, 1997. Joliet is seeking an extension of variance from the requirements of 35 Ill. Adm. Code 602.105(a), "Standards for Issuance", and 35 Ill. Adm. Code 611.106(b), "Restricted Status", to the extent these requirements involve 35 Ill. Adm. Code 611.330(a) which establishes the maximum contaminant level for combined radium-226 and radium-228 of 5.0 picocuries per liter. On May 15, 1997 the Board directed the parties to file briefs regarding a unique issue presented in this matter: whether the opinion in In the Matter of Amendments to 35 Ill. Adm. Code Subtitle F (May 1, 1997) R96-18, effective May 8, 1997, renders Joliet's petition for variance unnecessary.

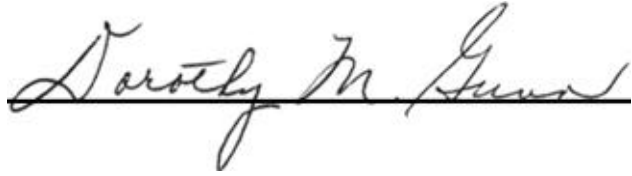
On May 29, 1997 Joliet filed a motion to withdraw its petition for variance extension. Joliet states that the opinion in R96-18 amends the rules from which it seeks variance to preclude the Illinois Environmental Protection Agency from placing Joliet on Restricted Status. Joliet further states that the rules as amended no longer impose an arbitrary or unreasonable hardship. Joliet requests leave to withdraw its petition for variance without prejudice to allow it to file future petitions for variance should the rules change so as to place Joliet on Restricted Status.

The Board grants Joliet's motion to withdraw its petition for variance. Joliet may file a petition for variance in the future should a change in the rules make it necessary. The docket in this matter is closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of June, 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board