

ILLINOIS POLLUTION CONTROL BOARD  
June 5, 2003

IN THE MATTER OF: )  
)  
PETITION OF METROPOLITAN WATER )  
RECLAMATION DISTRICT OF GREATER ) AS 03-02  
CHICAGO FOR AN ADJUSTED ) (Adjusted Standard – Land)  
STANDARD FROM: 35 Ill. Adm. Code 811, )  
812, and 817, and MODIFICATION OF AS )  
95-4 (Sludge application) )

ORDER OF THE BOARD (by G.T. Girard):

On May 2, 2003, the Metropolitan Water Reclamation District of Greater Chicago (District) filed an amended petition for an adjusted standard, a reply to the Illinois Environmental Protection Agency's (Agency) response, and a motion to confirm that the amended petition for an adjusted standard need not be re-noticed (motion). The Board will first discuss the motion to confirm that the adjusted standard need not be re-noticed and then address the amended petition.

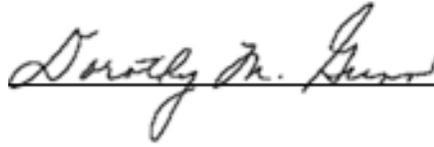
The District asserts in the motion that the amended petition withdraws some of the relief requested in the petition and does not request additional relief or alternative relief. Section 28.1(d)(1) of the Environmental Protection Act (Act) provides that "petitioner shall submit to the Board proof that, within 14 days after filing of the petition, it has published notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected." 415 ILCS 5/28.1(d)(1) (2002). The District's original petition was filed on February 11, 2003. On February 27, 2003, the District filed three certificates of publication indicating that notice of the adjusted standard was published in the *State Journal Register* on February 13, 2003, and in the *Chicago Sun-Times* and the *Daily Southtown* on February 18, 2003. Thus, the District met the requirements of the Act by properly publishing notice of the original petition.

In this instance, an additional notice of publication is not required by the Act. The amended petition withdraws the District's request for certain relief and does not request additional relief or alternative relief. Therefore, the Board agrees with the District that there need not be a new notice of publication filed. See *In Re* Petition of Conversion Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 810.103, 811.306, and 811.507, AS 92-9 (Oct. 16, 1992); *In Re* Petition of the City of Belleville for an Adjusted Standard from 35 Ill. Adm. Code 306.305, AS 99-1 (Mar. 21, 2002).

The Board finds that the amended petition is sufficient pursuant to Section 28.1(c) of the Act (415 ILCS 5/28.1(c) (2002)) and 35 Ill. Adm. Code 104.Subpart D. The Board accepts the amended petition and notes that the Agency has until June 16, 2003 to file a recommendation addressing the amended petition (*see* 35 Ill. Adm. Code 104.416(a)).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5, 2003, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board