

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1990

IN THE MATTER OF:)
)
PETITION OF R. LAVIN & SONS, INC.)
FOR ADJUSTED STANDARDS FROM 35 ILL. ADM.)
CODE 302.102, 302.208, 302.210, AND)
SUBPART F, PROCEDURES FOR DETERMINING) AS 90-5
WATER QUALITY CRITERIA) (Adjusted Standard)
)

ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon an Agreed Motion for Extension of Time filed March 26, 1990 by the Illinois Environmental Protection Agency ("Agency").

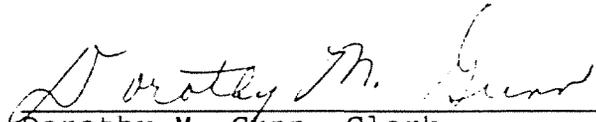
Pursuant to 35 Ill. Adm. Code 106.714, the Agency is required to file a response to an adjusted standard petition not later than 30 days after the filing of the petition, if the Agency is not a co-petitioner. (The Board notes that since this petition was filed on March 5, 1990, the response would be due not later than April 4, 1990, thirty days after the filing of the petition with the Board. This is contrary to the April 6, 1990 asserted due date in the Agreed Motion.) The Agency asks the Board to extend the deadline for the Agency Response to August 6, 1990. The Agency further states that Lavin & Sons, Inc., through its attorney, has indicated agreement with this motion.

The Agreed Motion is granted. The Agency's response shall be due not later than August 6, 1990.

Lastly, the Board notes that pursuant to procedural rule 106.711, petitioners are required to cause the publication of notice of a petition for adjusted standard within 14 days after filing, and pursuant to 106.712, petitioners must file proof of notice publication within 30 days after filing. No publication proof has been filed for this petition. Given the Agency's motion to dismiss, it may be that Petitioner was awaiting a Board ruling prior to publishing notice. Therefore, on its own motion, the Board extends the time for filing proof of notice publication for 30 days of the date of this Order.

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 12th day of April, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board