

ILLINOIS POLLUTION CONTROL BOARD

October 15, 1998

IN THE MATTER OF:)
)
PETITION OF SUN CHEMICAL) AS 99-2
CORPORATION FOR AN ADJUSTED) (Adjusted Standard - Air)
STANDARD FROM 35 ILL. ADM.)
CODE 218.626(b))

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

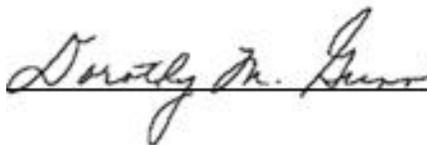
On August 20, 1998, Sun Chemical Corporation (Sun) filed a petition for an adjusted standard from 35 Ill. Adm. Code 218.626(b). Pursuant to Section 28.1(d)(1) of the Environmental Protection Act, and 35 Ill. Adm. Code 106.711 of the Board's procedural rules, petitioner is required to publish notice of the filing of the petition within 14 days after the filing in a newspaper of general circulation in the area likely to be affected. Such notice must include the nature of the relief sought and advisement that any person has the right to request a hearing within 21 days of the publication of the notice. See 415 ILCS 5/28.1(d)(1)(1996).

A certificate of publication must be filed with the Board within 30 days after the filing of the petition. See 35 Ill. Adm. Code 106.712. Accordingly, Sun was to file with the Board such certification of publication on or before September 21, 1998. Sun has not timely filed its certificate of publication. On October 8, 1998, Sun filed a motion for extension of time to publish the notice. Because the time to publish the required notice has lapsed, the Board lacks jurisdiction and must dismiss this matter and deny the motion for extension of time.

The motion for extension of time is denied, the matter is dismissed, and the docket is closed. Sun may refile its petition, publish notice of the new petition within 14 days of that filing, and submit a certificate of publication with the Board in order to correct the defective notice.

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 15th day of October 1998 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board