

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1989

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Petitioner,)	
)	
v.)	AC 89-52
)	
CITY OF ASSUMPTION, an)	
Illinois Municipal Corporation,)	
)	
Respondent.)	

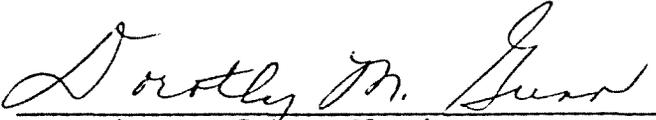
ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a motion for extension of time filed by respondent the City of Assumption (City) on April 3, 1989. The City seeks an extension of time to file a formal petition for review of an administrative citation issued by the Illinois Environmental Protection (Agency). The City states that its city council is expected to vote to close its sanitary landfill at the council's April 5 meeting, or shortly thereafter. The City contends that it would be in everyone's best interest to resolve this matter without a hearing on the citation, and states that the City intends to contact the Agency to discuss this matter shortly after the April 5 city council meeting. Thus, the City seeks an extension of time to file a petition for review.

Pursuant to Section 31.1 of the Environmental Protection Act (Act), a person named in an administrative citation has 35 days from the date of service of the citation to petition the Board for review. Ill. Rev. Stat. 1987, ch. 111¹/₂, par. 1031.1. The Board cannot extend this statutory 35-day appeal period. However, since the City has indicated its desire to contest the citation, the Board will construe the motion for extension of time as a petition for review. As is the practice, a hearing officer will be assigned to this case, and details of scheduling or delaying a hearing can be worked out with that assigned hearing officer. Of course, the City is free to later file an amended petition or to move to dismiss its petition for review, as it desires. The Board points out, however, that at some point the City may incur hearing costs. See Section 42(b)(4) of the Act.

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 6th day of April, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board