

ILLINOIS POLLUTION CONTROL BOARD
January 19, 1989

UNITED CITY OF THE VILLAGE)
OF YORKVILLE,)
)
Petitioner,)
)
v.) PCB 89-7
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Marlin):

On January 18, 1989, the United City of the Village of Yorkville (Yorkville) filed a Petition for Extension of Prior Variance. However, Yorkville did not submit the appropriate filing fee when the petition was filed. Yorkville may have been unaware of recent amendments to the Environmental Protection Act which prescribe filing fees. P.A. 85-1331 (effective January 1, 1989).

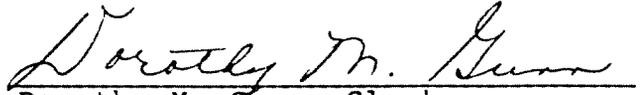
Pursuant to Resolution 88-3 (a copy of which is attached), the Board finds that the petition is deficient for failure to submit a filing fee of 75 dollars. In addition, the Board finds that the 120-day statutory decision period does not begin running until the appropriate filing fee is received by the Board.

Also, the petition is deficient in that an affidavit is not filed with the petition, although the petition waives a right to a hearing. An affidavit pursuant to 35 Ill. Adm. Code 104.124 must be filed. Finally, the petition does not adequately present a compliance plan to the extent required by 35 Ill. Adm. Code 104.121(f). In particular, the Board is interested in the steps, with estimated dates of completion, that Yorkville proposes to take to achieve compliance.

Unless Yorkville files a filing fee within 21 days of the date of this Order the petition will be subject to dismissal. Similarly, the deficiencies concerning the affidavit and compliance plan must be corrected within 45 days of the date of this Order or this matter will be dismissed. The petitioner should be aware that any amendment to its petition, including correcting these deficiencies, will re-start the 120-day statutory decision clock.

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 19th day of January, 1989, by a vote of 7-0


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board