

ILLINOIS POLLUTION CONTROL BOARD
May 28, 1987

CITY OF GENEVA,)
)
 Petitioner,)
)
 v.) PCB 86-225
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):


On May 21, 1987, Geneva filed a motion for expedited decision of this variance petition. The motion recites that the Agency has filed the amended Recommendation referred to in the Board's Order of May 14, which Order noted that the 120 day decision deadline had commenced with Geneva's May 7, 1987 filing of a Response to the Agency's initial Recommendation. The motion further recites that an early decision is sought because the "imposition of restricted status is adversely impacting a number of development projects in Geneva."

In the latter regard, the motion refers to prepared testimony given by Thomas Talsma, Director of Public Works for the City of Geneva on May 12, 1987 in the regulatory proceeding R85-14. This testimony and attached map was admitted as Exhibit 55. That testimony is currently not of record in this variance proceeding. While the Board could properly strike this reference from the record, the Board believes that the more appropriate course is to construe the reference as a motion to include Exhibit 55 in R85-14 in this record. The Board believes that such inclusion will result in no prejudice, as a) the Agency attorney assigned to this variance proceeding is also assigned to the R85-14 regulatory proceeding and was present at the May 12, 1987 hearing, and b) there were no questions asked of Mr. Talsma by any hearing participant. Accordingly, Exhibit 55 from R85-14 is admitted into this record.

As to the motion for expedited decision, the Board has placed this matter on the discussion agenda of today's meeting and will render a decision thereafter as expeditiously as is practicable.

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 28~~2~~ day of May, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board