

ILLINOIS POLLUTION CONTROL BOARD
April 10, 1986

CITY OF DIXON,)
)
 Petitioner,)
)
 v.) PCB 85-217
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This docket was initiated upon the December 30, 1985 filing of what was captioned as a joint petition seeking an extension to the December 31, 1985 deadline contained in 35 Ill. Adm. Code 306.373 for the filing of petitions for exceptions to the combined sewer overflow (CSO) regulations.

By Order of January 9, 1986, the Board determined that as a matter of procedure this request would be more appropriately handled as a petition for variance from Section 306.373. The Board directed the City to file an amended petition within 45 days.

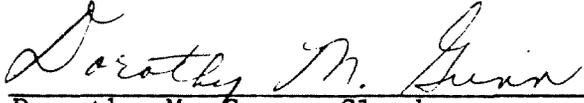
The amended petition was filed with the Board on February 4. If deadlines for actions required by the Act and procedural rules were computed from that date, citizens objections/requests for hearing would have been due February 25 pursuant to Section 37(a), the Agency's Recommendation would have been due March 6 pursuant to 35 Ill. Adm. Code 104.180, and the Board's decision in this matter would have been due in 120 days, June 4 pursuant to Section 36(c).

However, it appears that the petition was not filed with the Agency at the same time it was filed with the Board as required by Section 37(a) of the Act. By filing of March 31, the Agency states that it did not receive the petition until March 24. Under these circumstances, and particularly where citizen participation rights could otherwise be completely frustrated, the Board must construe all time periods as commencing on the date that the service on both the Agency and the Board required by Section 37(a) was completed: March 24. Accordingly, objections are due on or before April 14, the Agency's Recommendation is due on or before April 23, and the Board's

decision is due on or before July 22. The Board will, however, endeavor to decide this matter as close to the June 4 date as is practicable, assuming timely receipt of filings.

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 10th day of April, 1986, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board