

ILLINOIS POLLUTION CONTROL BOARD
January 22, 1981

VILLAGE OF ARLINGTON HEIGHTS,)
)
Petitioner,)
)
v.) PCB 80-229
)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On December 18, 1980 the Village of Arlington Heights (Village) petitioned for extension of its previous variance (PCB 79-132) from the 15 pCi/l gross alpha particle activity limitation of Rule 304(C)(1)(b) of Chapter 6: Public Water Supplies.


The Village has not provided gross alpha particle activity test results more recently than May, 1980. In light of the Agency's admission in City of Minonk, PCB 80-136, October 2, 1980 p. 1-2, that the radiological testing methodology had an "accuracy problem," the Board must assume, unless informed otherwise, that the test results included with the petition cannot be relied upon.

In addition, while the petition does contain an affidavit, it does not specifically request or waive a hearing as required by Procedural Rule 401(b). If an amended petition containing this, and the above, information is not submitted to the Board within 45 days of the date of this Order, this petition will be subject to dismissal.

For this reason, the Board therefore need not rule on the Agency's Petition for Extension of Deadlines, filed January 16, 1981, although it appreciates being informed of the public notice delay. However, the Board notes that while it may authorize a late filing by the Agency, it has no authority to extend the statutory 90-day period in which it must render its decision. Only the petitioner possesses this authority (which it exercised by its waiver filed January 20, 1981).

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22nd day of January, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board