

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1995

IN THE MATTER OF:)
)
PETITION OF WESTERN LION)
LIMITED FOR AN ADJUSTED)
STANDARD FROM 35 ILL. ADM.) AS 95-7
CODE 814, SUBPART C) (Adjusted Standard - Air)

ORDER OF THE BOARD (by R.C. Flemal):

On June 5, 1995, Western Lion Limited filed a petition for adjusted standard from 35 Ill. Adm Code 814, Subpart C. Pursuant to the Illinois Environmental Protection Act, Section 28.1(d)(1) and the Board's procedural rules at 35 Ill. Adm. Code 106.711, petitioner is required to publish notice within 14 days after the filing of the petition, in a newspaper of general circulation in the area likely to be affected. Such notice must include the nature of the relief sought and advisement that any person has the right to request a hearing within 21 days of the publication of the notice. (415 ILCS 5/28.1(d)(1) (1992).)

A certificate of publication must be filed with the Board within 30 days after the filing of the petition. (35 Ill. Adm. Code 106.712.) Accordingly, Western Lion Limited was to file with the Board such certification of publication on or before July 5, 1995. Western Lion Limited has not timely filed its certification of publication.

This matter is dismissed and the Clerk of the Board is directed to close the docket in this matter.

On July 13, 1995 Western Lion Limited filed a Waiver of Hearing and Motion for Leave to File Reply to Agency's Response to Petition for Adjusted Standard. On July 18, 1995 the Illinois Environmental Protection Agency filed a Reply to Petitioner's Motion for Leave to File Reply to Agency's Response to the Petition for Adjusted Standard. However, given the Board's closing of this docket, these motions are moot.

Western Lion Limited may refile the petition and publish notice of the new petition within 14 days of that filing in order to correct the defective notice.

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 20th day of July, 1995, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board