

ILLINOIS POLLUTION CONTROL BOARD  
August 9, 1990

CITY OF BRAIDWOOD,	)	
	)	
Petitioner,	)	
	)	PCB 89-212
v.	)	(Variance)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Anderson):

Currently before the Board in this case are 1) a "Motion for Extension of Time to File a Motion to Reconsider the Decision of the Illinois Pollution Control Board and/or Extension of Time for Appeal to the Third District Appellate Court at Ottawa, Illinois" filed by the City of Braidwood (Braidwood) on July 26, 1990, and 2) a letter filed on behalf of Braidwood Construction by Messrs. John Dixon, Sr. and John Dixon, III on August 6, 1990. Both documents come in response to the Board's June 21, 1990 Opinion and Order whereby it denied Braidwood's request for variance relief from the requirements of 35 Ill. Adm. Code 602.105, "Standards of Issuance", and 602.106(b), "Restricted Status".

Braidwood's Motion for Reconsideration

Braidwood requests that the Board grant it a 30 day extension in which to file either a motion for reconsideration and/or appeal. In support of such motion, Braidwood states that its attorney is unable to timely file a motion for reconsideration and/or appeal because he has recently undergone surgery for injuries sustained in a recent accident. The Agency has been informed of the situation and does not object to the motion.

At the outset, the Board notes that it does not have the authority to grant a petitioner an extension of time to file an appeal. Such a matter is in the purview of the appellate court. Based upon the foregoing information, however, the Board will grant Braidwood's motion for extension so that it can file a motion for reconsideration before the Board. Accordingly, the Board directs Braidwood to file its motion for reconsideration on or before August 27, 1990.

Braidwood Construction's Letter

Braidwood Construction claims that it is suffering a hardship as a result of the Board's denial of variance, and requests that it be allowed to hook on to Braidwood's existing watermains. Evidently, Braidwood Construction has recently built

a home and is now unable to obtain water for it. There is no indication that the letter has been sent to the parties.

In order to move forward in this matter, the Board will construe Braidwood Construction's letter as a motion for reconsideration. The Board hereby denies the motion, however, because Braidwood Construction is not a party to this proceeding and, therefore, has no standing to make a hardship claim.

Braidwood Construction may wish to file its own petition for variance or contact Braidwood about its situation. If Braidwood Construction chooses to file a petition, however, it will have to join Braidwood as a party. Moreover, such an action will be subject to the relevant provisions of the Illinois Environmental Protection Act and the Board's procedural rules.

As a final note, the Board will forward the letter to the parties. The Board will also send a copy of this order to Braidwood Construction as well as to Braidwood.

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 9<sup>th</sup> day of August, 1990 by a vote of 6-0.

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