

ILLINOIS POLLUTION CONTROL BOARD
April 4, 1975

HERBERT F. BANGERT,)
)
 Complainant,)
)
 vs.) PCB 74-295
)
 CITY OF QUINCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

On March 21, 1975 Complainant Herbert F. Bangert, filed with the Pollution Control Board a petition requesting "review" of the Board Opinion and Order of February 6, 1975 "in accordance with Title 11, Judicial Review, Section 41 of the Environmental Protection Act". Complainant also referred to his petition as an "appeal".

Section 41 of the Act provides for review of Board decisions pursuant to the provisions of the Administration Review Act. The Statute specifically states that "review shall be afforded directly in the Appellate Court of the District in which the cause of action arose". The Pollution Control Board does not review its own decision under that Statute.

The Procedural Rules of the Board provided for "motions subsequent to entry of final order" to be filed with the Board. Rule 334 states: "within 35 days after the entry of a final order and within such further time as the Board may allow, any party may file a motion for rehearing or modification of the order, or to vacate the order or for other relief..." However, Complainant is apparently not attempting to use that procedure.

The petition filed on March 21, 1975 will be stricken since we do not have authority to review our own decisions pursuant to Section 41 of the Act. We will extend the time for the filing of a "motion subsequent to the entry of final order" so that Complainant does have a procedure available to him if he chooses to use it. We will allow 21 days from the date of this Order for the filing with the Board of any motion for rehearing or motion to vacate or modify the Order of February 6, 1975.

It is ordered that the petition of March 21, 1975 be stricken. Complainant is allowed until April 25, 1975 for the filing of motion subsequent to the entry of final order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 21st day of April, 1975 by a vote of 3 to 0.

Christan L. Moffett