

ILLINOIS POLLUTION CONTROL BOARD

January 6, 2005

IN THE MATTER OF: )  
)  
PETITION OF SCA TISSUE NORTH ) AS 05-01  
AMERICA, L.L.C.FOR AN ADJUSTED ) (Adjusted Standard – Air)  
STANDARD FROM: 35 Ill. Adm. Code )  
218.301 and 218.302(c) )

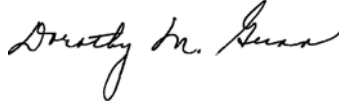
ORDER OF THE BOARD (by G.T. Girard):

This petition for an adjusted standard was filed with the Board on October 12, 2004. Pursuant to Section 28.1(d)(1) of the Environmental Protection Act, “petitioner shall submit to the Board proof that, within 14 days after filing of the petition, it has published notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected.” 415 ILCS 5/28.1(d)(1) (2002). On December 2, 2004, the Board directed petitioner to file proof of publication in this proceeding by December 30, 2004, or this petition would be dismissed. On January 3, 2005, the Board received proof that the notice of the adjusted standard was published in the *Chicago Tribune* on December 14, 2004, and *The Star Newspapers* on December 12, 2004.

Publication of notice of filing is jurisdictional. See *In re Horsehead Resource and Development Company, Inc., for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c)*, AS 00-1(Aug. 5, 1999); *In re Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1)*, AS 00-14 (June 8, 2000). Petitioner’s publication of notice of the filing of the adjusted standard did not occur within the 14-day period and, as a result, the Board does not have statutory authority to hear the petition. Therefore, the Board dismisses this petition for adjusted standard and the docket is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board