

ILLINOIS POLLUTION CONTROL BOARD  
June 10, 1987

CITY OF GENEVA, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 86-225  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):


On May 21, 1987, the City of Geneva had filed a motion for expedited decision of its variance petition. This motion was granted by the Board on May 28. Assuming that the record in this matter was complete, the Board discussed the case at its May 28, with an eye to reaching decision on June 10.

However, since that time, Geneva has sought to reopen the record and to provide additional information: on June 4, 1987, the City of Geneva (Geneva) filed a response to the Agency's May 21, 1987 amended Recommendation that variance be denied. The response was accompanied by a motion for leave to file instant. Procedural Rule 104.181 provides that petitioner may file a response to the Agency's Recommendation within 7 days after receipt of the Recommendation. Geneva explains this second late filing (see May 14, 1987 Order of the Board noting an earlier late filing) as resulting from a determination by Geneva that certain Agency assertions require a response. The motion for leave to file is granted.

As the response contains new factual information, the Board construes the filing as a second amended petition which restarts the Board's 120 day decision timeclock. The Board will schedule its decision after as expeditiously as is practicable after timely receipt either of an amended Agency Recommendation or Agency notification that no amended Recommendation will be filed.

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 10<sup>th</sup> day of June, 1987, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board