

ILLINOIS POLLUTION CONTROL BOARD  
May 14, 1987

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

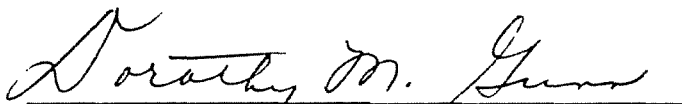
ORDER OF THE BOARD (by J. Anderson):

On May 7, 1987, Geneva filed a response to the Agency's April 9, 1987 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. Although Geneva's motion does not explain its delay in filing either a response or request for extension of time, the motion for leave to file is granted.

As the response contains new factual information, the Board construes the filing as an amended petition which restarts the Board's 120 day decision timeclock. However, in recognition of Geneva's assertion that all development projects are affected by the restricted status ban on issuance of new water main extension permits, the Board will schedule its decision as expeditiously as is practicable after its 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 14th day of May, 1987, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board