

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1985

VILLAGE OF WAUCONDA,)
)
 Petitioner,)
)
 v.) PCB 83-237
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by R. C. Flegal):

On July 23, 1985, Petitioner filed an amendment to its Petition for Variance and/or Extension of Variance which specified that the 90-day rule commence after the filing of the Illinois Environmental Protection Agency's (Agency) Response and Recommendation, but not later than August 10, 1985. Firstly, the Board notes that the appropriate time frame for decision is 120 days, not 90 days (Section 38(c) of the Act), since this matter involves an NPDES program. By the 120 day criterion this matter is due for decision at the Board's November 21, 1985, meeting.

As of this time the Agency's Response and Recommendation has not yet been filed with the Board. In as much as the Board views the Agency's perspective as a vital portion of the record, the Agency is hereby ordered to submit said Response and Recommendation, or in the alternative a statement of its intentions in this matter, within eleven days of this Order.

The Board also notes that at the hearing of June 11, 1985, Petitioner indicated a desire that this matter proceed only after the Agency had opportunity to submit its Response and Recommendation. Given the present due date, and assuming that Petitioner retains this desire, the Board notes that Petitioner might either waive the due date or grant an extension of time such that the Board can give adequate deliberation to the full record.

Lastly, the Board notes that this is an old docket, with much record accumulated which may not be germane to the matter as it stands at present. The parties hereto may therefore wish to consider moving the Board to dismiss this proceeding and begin the matter afresh with a new petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 24th day of October, 1985 by vote of 7-0.

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