

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1988

AMERICA OTR,)
)
 Petitioner,)
)
 v.) PCB 88-106
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon the June 29, 1988, Petition For Permit Variance filed by Petitioner, America OTR.

The Petition is confusing and misleading; the Board is unable to discern the relief sought by this Petition. Petitioner is directed to review 35 Ill. Adm. Code 104.121, Contents Of Variance Petition, and 35 Ill. Adm. Code 105.102, Permit Appeals and Ill. Rev. Stat. ch 111 1/2 pars. 1026, 1027 and 1028. These provisions identify the character and necessary requirements associated with requests for variances, permit appeals, and regulatory rule-changes. As it exists now, the Petition is unclear and the Board is unable to determine the exact nature of relief requested. Whether this matter is a request for variance, a permit appeal or a request for rule-change is a matter to be decided by Petitioner; but it must be properly captioned and contain the necessary pleadings.

If the Board does not receive an amended petition, curing the above noted defects within 45 days of this Order, this matter will be subject to dismissal.

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 13th day of July, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board