ILLINOIS POLLUTION CONTROL BOARD May 1, 1980

WAGNER CASTINGS COMPANY,)		
Petitioner,)		
V •)	PCB	80 -9 3
ENVIRONMENTAL PROTECTION AGENCY,)		
Respondent.)		

ORDER OF THE BOARD (by Dr. Satchell):

On April 28, 1980 Wagner Castings Company filed in PCB 79-124 an amendment to petition for variance to provide additional information and joinder. This was deemed a new variance petition by Order of the Board of this date. The petition is deficient in a number of respects:

- 1. The petition fails to request or waive a hearing as required by Procedural Rule 401(b).
- 2. The petition should either restate the relevant allegations of the previous petition or incorporate them by reference.
- 3. The amendment identifies three types of sand involved: core sand, molding sand and sludge from wet dust collectors. These apparently fall into different categories of special waste, assuming they are such. If a variance is sought for the last two the petition is deficient in its description and fails to specify whether a variance is requested for them.
- 4. In PCB 79-124 Wagner attached to its response to variance recommendation of September 17, 1979 as Exhibit A an analysis of "foundry sand." If this is to be incorporated by reference Wagner will have to explain what foundry sand is and whether a variance is requested for it also.
- 5. Wagner should indicate whether these various sands are commingled, and if so, include a discussion why they are mixed and the feasibility of separate disposal.

The petition will be subject to dismissal unless an amended petition addressing these issues is filed within forty-five days. The ninety day decision period will commence with the filing of an amended petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 1st day of 1980 by a vote of 50.

Christan L. Morfortt, Clerk

Illinois Pollution Control Board