

ILLINOIS POLLUTION CONTROL BOARD  
October 20, 1994

INSPIRATION DEVELOPMENT CO.,            )  
  )  
    Petitioner,                            )  
  )  
    v.                                     )  
  )  
  )  
ILLINOIS ENVIRONMENTAL                 )  
PROTECTION AGENCY,                     )  
  )  
  )  
    Respondent.                          )

PCB 94-279  
(Variance)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on two filings. On October 4, 1994 Inspiration Development Company filed a petition for variance. On October 19, 1994, respondent the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss that petition for variance. The Agency's motion to dismiss is based upon its contention that the petition is deficient.

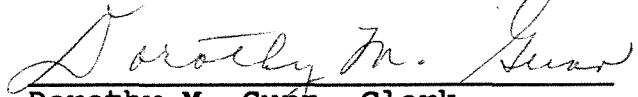
The Board agrees with the Agency that the petition is deficient. The petition does not address, in any detail, the information required by Section 104.121 "Contents of Variance Petition". For example, there is no discussion of the method to be used to achieve compliance with the rules, nor is there a requested term of variance.<sup>1</sup> There is no request for hearing, or waiver of hearing, and no affidavit in support of the petition. (Section 104.124.) In sum, the Board finds the petition insufficient. However, the Agency's motion to dismiss is denied. Inspiration shall file an amended petition within 45 days of the date of this order. The decision deadline will restart on the date of filing of the amended petition. Failure to file an amended petition will subject this petition to dismissal.

IT IS SO ORDERED.

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<sup>1</sup> The Board points out that a variance is, of necessity, a temporary measure to allow time for a petitioner to come into compliance with rules. The term of the variance cannot exceed five years. (415 ILCS 5/36 (1992).) If Inspiration is interested in seeking permanent relief from the standards, it may wish to consider pursuing an adjusted standard or site-specific rule. (415 ILCS 5/27, 28.1 (1992).)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20<sup>th</sup> day of October, 1994, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board