

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1991

DEPARTMENT OF THE ARMY,)
)
Petitioner,)
)
v.) PCB 91-113
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On July 8, 1991, the Department of the Army filed a petition for variance from a Board Order in PCB 87-38, for its bankline disposal of dredged material from the Illinois River. That petition is deficient in that it fails to provide:

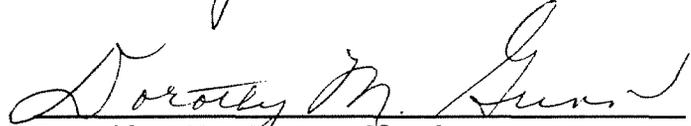
1. The quantity and types of materials discharged from the process or activity requiring the variance; the location of the points of discharge, and, as applicable, the identification of the receiving waterway or land, or the location of the nearest air monitoring station maintained by the Agency, as required by 35 Ill. Adm. Code 104.121(d);

Specifically, the Petition lists 19 references that contain actual analytical data on contaminant concentrations, but fails to include a copy of any such documents. The Board directs that the Army either file one copy of each of those reference documents with the Clerk of the Board or file a motion stating why such filing would be unreasonable.

Additionally, in paragraph 6 of the Petition, the Army requests that the Board incorporate the entire record of three prior proceedings. That request is denied. The Board will incorporate by reference all prior Board Opinions and Orders. Petitioner may "upon separate written request" incorporate portions of the prior record by filing four copies with the Clerk, consistent with the procedural rules at 35 Ill. Adm. Code 101.106.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 11th day of July, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board