## ILLINOIS POLLUTION CONTROL BOARD August 20, 1981

PCB 81-125

QUALITY READY MIXED, ) Petitioner, ) v. ) ILLINOIS ENVIRONMENTAL PROTECTION ) AGENCY, )

Respondent.

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

On August 7, 1981 Quality Ready Mixed filed a petition for variance to allow the burning of clean waste lumber in an Air Curtain Destructor. On August 13, 1981, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss based upon the numerous defects in this petition. That motion is hereby granted. This proceeding is dismissed with leave to refile.

The most troublesome defects are:

1. The lack of a precise statement of the relief requested including the Rule from which variance is requested and the term of variance (Procedural Rule 401(a)(1));

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- 2. A failure to describe the business activity (401(a)(2));
- A lack of data concerning the discharge (401(a)(4));
- A lack of the cost data of compliance (including alternatives) (402(a)(8) and (g));
- 5. A failure to request or waive hearing (and if hearing is waived an accompanying affidavit (401(b)); and
- The lack of an analysis showing that the Board can grant this variance consistent with federal law (401(d)).

The Board notes that some of the defects may be cured by incorporation of the record in PCB 76-224, Quality's earlier variance.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the  $20^{h}$  day of <u>Menuet</u>, 1981 by a vote of <u>Sec</u>.

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Christan L. Moffett, Clerk Illinois Pollution Control Board