

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1980


BEKER INDUSTRIES CORP.)
)
) Petitioner,)
)
) v.) PCB 80-224
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by D. Satchell):

On December 9, 1980 Beker Industries Corp. (Beker) filed a petition for a variance from the Board's Order of September 20, 1979 (Beker v. IEPA PCB 79-9, 35 PCB 389) and conditions of NPDES permit IL0036463. Section 35 of the Environmental Protection Act does not authorize variance from permit conditions. Beker should apply to the Illinois Environmental Protection Agency for permit modification. To the extent permit conditions are required by Board regulations or the Board's previous Order, Beker should petition for a variance and may request permit modification pursuant to Rule 914 of Chapter 3: Water Pollution. As it stands, the petition does not adequately identify the Board rules or provisions of the Order which require the permit conditions [Procedural Rule 401(a)(1)]. In addition, Procedural Rule 401(b) requires an affidavit or other proof in support of material facts alleged in the petition where a hearing is waived. This matter will be subject to dismissal unless the noted deficiencies are remedied in an amended petition filed within forty-five days of the date of this Order. The decision period will commence with the filing of such amendment.

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 18th day of December, 1980 by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board