

ILLINOIS POLLUTION CONTROL BOARD
July 31, 1975

PEABODY COAL COMPANY,)
Petitioner,)
)
v.) PCB 75-68
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon the Environmental Protection Agency's (Agency) motion to dismiss Peabody Coal Company's (Peabody) petition for variance.

The Board finds that Peabody's petition and amended petition for variance is inadequate and fails to comply with Rules 401(a)(iv), (v), (vi), (vii), (viii), (ix), (x), (b), (c) and (e) of the Board's procedural rules. Furthermore, Peabody's response to the Agency's motion was untimely.

It is the Order of the Board that the Agency's motion be granted and Peabody Coal Company's petition for variance is hereby dismissed without prejudice.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 31st day of July, 1975 by a vote of 5-0.


Christian L. Moffett, Clerk
Illinois Pollution Control Board