

ILLINOIS POLLUTION CONTROL BOARD
October 3, 1972

CITY SAVINGS ASSOCIATION,)
In Receivership,)
)
and)
)
APPLE ORCHARD UTILITY CO., INC.,) PCB 72-383
)
Petitioners,)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

PRELIMINARY ORDER (by Mr. Parker):

A Petition for Variance was filed with the Board on September 26, 1972. We find the petition to be incomplete in that it does not specify the rule or regulation from which the variance is sought, and does not otherwise provide the detailed information required by our Procedural Rule 401. For example, the petition fails to include a description of existing and proposed equipment for the control of discharges, a time schedule for bringing the activity into compliance, and a clear statement of the precise extent of the relief sought. The Agency has moved to dismiss the petition for failure to satisfy the requirements of Rule 401 (a). Rather than dismiss the petition, however, we deem it more expeditious to, by this Order, advise Petitioner of these defects and grant leave to file an amended petition containing the additional necessary information.

Petitioner is accordingly ordered to file an amended petition with the Board on or before October 31, 1972, the amended petition to contain additional information consistent with the requirements of our Procedural Rule 401. and the amended petition also to include a statement by petitioner that the 90 day period provided for in Title 9, Section 38 of the Environmental Protection Act shall commence as of the date of filing of the amended petition.

In the absence of the filing of an amended petition on or before October 31, 1972, the original petition shall be subject to dismissal.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order on this 3rd day of October, 1972, by a vote of 4 to 2.

Christan L. Moffett