

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1987

FRED H. NIELSEN, JR.,)
and NIELSEN DEVELOPMENT,)
)
Petitioners,)
)
v.) PCB 87-115
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

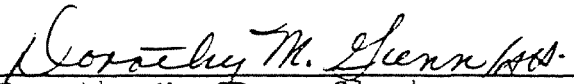
This matter comes before the Board on Petitioners' Supplemental Filing of October 19, 1987 purporting to explain the status of certain additional data requested by Board Order of October 1, 1987.

The Supplemental Filing is inadequate. Specifically the data fails to include the anticipated dates of the variance or explain when the data is expected.

The Environmental Protection Act requires that variance petitions be decided within 120 days. Because Petitioner has not waived its right to a hearing within the 120-day deadline this case is fast approaching its time limitation. Thus because the 120-day deadline is approaching and because Petitioner has failed to provide the information required, this matter is dismissed without prejudice. Petitioner may file a new petition upon its receipt of sufficient data to constitute a complete and sufficient Petition for Variance.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3rd day of December, 1987 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board