

CENTURY 21 AG REALTORS AND)
 ST. CLAIR TOWNSHIP,)
)
 Petitioners,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

PCB 81-8

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

On January 23, 1981, Thouvenot-Wade and Moerchen, Inc., filed a Variance Petition requesting relief which would allow the construction of a sewer system tributary to the St. Clair Township Lincolnshire Treatment Facility. The petition was apparently filed on behalf of Century 21 AG Realtors (Century 21), although that is not clear from the petition.

The petition is deficient in several respects. First, both Century 21 and St. Clair Township must be parties in this action. If either or both are not yet parties, they must be joined pursuant to Procedural Rules 309 and 303(c). Second, several requirements of Procedural Rule 401(a) are lacking; there is no specific identification of the particular rule from which variance is sought (401(a)(1)); there is no assessment of the environmental impact (401(a)(7); and there is no statement of measures to be undertaken to minimize any adverse impact (401(a)(10)). Third, while the petition purports to waive hearing, that waiver is not accompanied by an affidavit swearing to the truth of the facts alleged in the petition (401(b)). Finally, there is an inadequate statement of hardship (401(c)).

Unless these defects are cured within 45 days of the date of this Order by the filing of an amended petition and the joining of necessary parties, this petition will be subject to dismissal.

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 ____ day of _____, 1981 by a vote of _____.

Christan L. Moffett, Clerk
Illinois Pollution Control Board