

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1980

WOODLANE CORPORATION,)
)
) Petitioner,)
)
) v.) PCB 80-108
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (By J. Anderson):

On May 19, 1980, Petitioner filed a variance petition. The Board deems the petition to be deficient in two respects:

1. The petition involves compliance plans which may affect the operations of or may require action by units of local government involved with water pollution control. The Board orders that the appropriate local authorities be made parties to the petition.

Failure to amend this petition by joining these authorities as parties or failure to provide service pursuant to the Board's Procedural Rule 305 within 45 days of the date of this order may result in a dismissal of this petition for inadequacy.

2. Procedural Rule 401(b) requires that the petition unequivocally request a hearing or waive it. Such request or waiver must be made without conditions or qualifications. Waiver of hearing upon filing of the petition does not a) waive the right granted petitioner under Rule 407(c)3 to file an amended petition requesting a hearing within 7 days of receipt of an Environmental Protection Agency recommendation; b) change the Board's duty to authorize a hearing (even if waived by petitioner) if the Agency or any other person files an objection to a petition within 21 days of its filing under Rule 407(c)(2); and c) prevent the Board from holding a hearing at its own discretion pursuant to Rule 407(b)(4).

Failure to make an unequivocal request for hearing or waiver of hearing within 45 days of the date of this order may result in a dismissal of this petition for inadequacy.

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 24th day of May, 1980, by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board