

ILLINOIS POLLUTION CONTROL BOARD  
February 19, 1981

KEARNEY COMPANY, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-25  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On February 16, 1981, the Kearney Company, by letter to the Agency, petitioned for variance from Rule 206 of Chapter 8: Noise Pollution. Kearney's "petition" fails to provide most of the information outlined in the Board's Procedural Rule 401. These omissions include failure to state Kearney's current noise emission level, inadequate information about past efforts towards compliance and its costs, and no information about the means for and costs of attaining full compliance. In addition, hearing is neither waived nor requested. (Kearney should note that if a hearing is waived, that an affidavit attesting to the truth of the facts stated must accompany the petition.)

If an amended petition correcting these deficiencies is not filed within 45 days of the date of this Order, 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 19<sup>th</sup> day of February, 1981 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board