

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1980

SHELL OIL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 79-166
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)


ORDER OF THE BOARD (by D. Satchell):

On September 29, 1980 Shell Oil Company (Shell) filed a response to Order of the Board of July 24, 1980 which requests that the Board dismiss Shell's petition for a variance from Rule 501 of Chapter 9: Special Waste Hauling. The pleading asks that the Board deem compliance with federal manifest requirements as compliance with the Chapter 9 requirements. The Board construes this as a request for a variance from Chapter 9 conditioned upon compliance with the federal manifest requirements. The September 29 pleading is deemed an amendment to the petition.

Shell has not addressed the deficiencies noted in the July 24 Order, including the following: cost estimates taking into account compliance with federal regulations and effect of Rules 301 and 302. It is unclear whether Shell intends to request or waive a hearing pursuant to Procedural Rule 401(b). If a hearing is waived, Shell must provide an affidavit or other proof of material facts. This matter will be subject to dismissal unless an amended petition addressing the noted deficiencies is received within forty-five days of the date of this Order.

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 17th day of October, 1980 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board