

ILLINOIS POLLUTION CONTROL BOARD
January 5, 1989

THE ENSIGN BICKFORD COMPANY,)
)
 Petitioner,)
)
 v.) PCB 88-168
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. Nardulli):

On December 15, 1988, the Illinois Environmental Protection Agency filed a Motion for Reconsideration with the Board requesting the Board to reconsider the Agency's motion for dismissal of the petition for inadequacy. The Board's order of November 29, 1988 orders the Petitioner to correct the deficiencies in the petition at hearing. This action was taken by the Board in an effort to avoid unnecessary delay in the decision making process in this matter. After reconsidering it's decision of November 29, 1988, the Board appreciates that the Agency requires the minimum information in order to prepare a useful recommendation and to properly prepare for hearing. Therefore, the Board hereby issues an order for additional information.

On November 23, 1988, the Ensign Bickford Company filed a Petition for Variance. Petitioner requests a variance from 35 Ill. Adm. Code 237.102 to allow open burning of explosive waste and explosive contaminated waste pursuant to 35 Ill. Adm. Code 103. That petition is deficient in that it fails to provide:

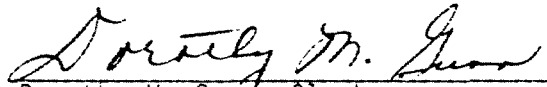
1. The subject petition is deficient in that it fails to request a variance for a specific time period.
2. The subject petition is deficient in that it fails to set forth a time table to come into compliance.
3. The subject petition is deficient in that it fails to set forth a compliance plan.
4. The subject petition is deficient in that it fails to state the present method of disposal of the explosive waste and explosive contaminated waste, to include cost and said disposal.
5. The subject petition is deficient in that it fails to address the issue of arbitrary or unreasonable hardship.

6. The subject petition is deficient in that it fails to address the issue of consistency with Federal Law.

Unless an amended petition is filed within 45 days of the date of this Order, curing the above-noted defect, this matter will be subject to dismissal.

IT SO ORDERED.

I, Dorothy M Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 54 day of January, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board