

ILLINOIS POLLUTION CONTROL BOARD
June 5, 1997

ILLINOIS LANDFILL, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 97-205
)	(Variance - Land)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

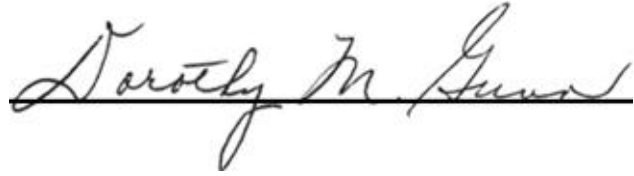
On May 16, 1997 Illinois Landfill Inc. (ILI) filed a petition for variance from the Board's landfill regulations. On May 27, 1997, the Illinois Environmental Protection Agency (Agency) filed a motion to strike a portion of the petition. On June 2, 1997 ILI filed a response to the motion to strike. The Agency asks that a portion of the petition be stricken because the inclusion of the information is irrelevant and not appropriate subject matter for a pleading. In addition, the Agency maintains that the statements made regarding the Agency's position on the variance request are premature.

ILI argues that whether the information is relevant is up to the Board to decide and the material is appropriate because ILI was simply trying to notify the Board that ILI and the Agency had been meeting. Finally, ILI agrees that the Agency has thirty days to respond to the petition and nothing contained in the petition states otherwise.

The Board denies the motion to strike. The Board finds nothing in the paragraph inappropriate for a petition for variance. Further, the Board does not interpret the information in the paragraph as the Agency's position concerning the variance request. The Agency's position concerning the variance will be addressed in the Agency's recommendation, not in a pleading by petitioner.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of June, 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board