

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1990

ILLINOIS POWER COMPANY)
(Clinton Power Station),)
)
Petitioner,)
)
v.) PCB 89-213
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On December 21, 1989, Illinois Power Company, Clinton Power Station ("IPC"), filed a petition for extension of variance for its discharges to Clinton Lake at IPC's Clinton Power Station. That petition is deficient in that it fails to provide:

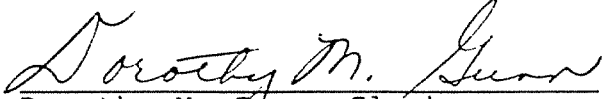
a statement on whether or not a hearing on the petition is desired by petitioner, or, in the alternative, a statement waiving a hearing accompanied by such affidavits or other proof in support of the material facts alleged in the petition as the petitioner may submit, sufficient to enable the Board, if it so decides, to rule upon the petition without a hearing, as required by 35 Ill. Adm. Code 104.124.

In addition, IPC seeks to incorporate by reference the "record, opinion and order" of PCB 88-97. The Board will incorporate the Opinion and Order of the Board in PCB 88-97; however, any part of the record which IPC wants included must be reproduced and filed in this case by IPC, pursuant to 35 Ill. Adm. Code 101.106, "Incorporation of Prior Proceedings."

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

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 11th day of January, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board