

ILLINOIS POLLUTION CONTROL BOARD
August 31, 1989

NATIONAL ENVIRONMENTAL)
SERVICES CORPORATION,)
)
Petitioner,)
)
v.) PCB 89-129
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On August 15, 1989, National Environmental Services Corporation filed a complaint and petition to contest conditions imposed on permit by the Illinois Environmental Protection Agency. The Board notes that this petition is timely filed pursuant to Section 40 of the Illinois Environmental Protection Act. However, the Board finds that the petition is deficient, in that it does not fulfill the requirements of 35 Ill. Adm. Code 105.102(a)(2), which states in pertinent part:

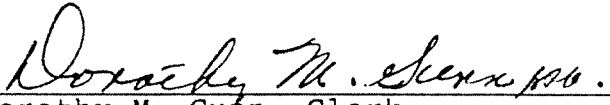
In the case of a denial of a permit or issuance by the Agency of a permit with one or more conditions or limitations to which an applicant objects, an applicant who seeks to appeal the Agency decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the Agency's final decision. The petition shall include:

- (A) Citation of the particular standards under which a permit is sought;
- (B) A complete and precise description of the facility, equipment, vehicle, vessel, or aircraft for which a permit is sought, including its location;
- (C) A complete description of contaminant emissions and of proposed methods for their control; and
- (D) Such other materials as may be necessary to demonstrate that the activity for which the permit is sought will not cause a violation of the Act or the regulations.

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. Pursuant to the Board's rules and regulations, a filed amended petition restarts the statutory 120-day decision timeclock.

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 31st day of August, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board