

ILLINOIS POLLUTION CONTROL BOARD
May 11, 1989

DEMERT & DOUGHERTY, INC.,)
)
Petitioner,)
)
v.) AS 89-1
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent)

ORDER OF THE BOARD (by J. Marlin)

On April 28, 1989, the Board received a filing by Demert & Dougherty, Inc. (Demert) entitled "Petition for an Adjusted Standard and NPDES Permit Modification." The petition appears to request that the Board grant Demert an adjusted standard and that the Board modify Demert's NPDES permit. Such requests must be pursued in separate proceedings, and the Board may only address the issue of permit modification in the context of a permit appeal proceeding.

As a result, the board hereby dismisses, without prejudice, the April 28, 1989 filing. Demert may, at a later date, file the appropriate petition consistent with Demert's intended relief request.

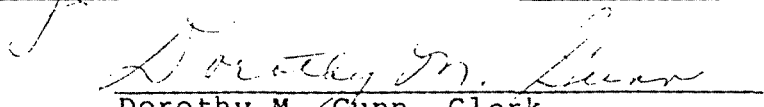
Additionally, the Board notes that Demert's April 28th filing was not accompanied by a filing fee. The Board refers Demert to Resolution 88-3.

Finally, the Board notes that it has not acted upon Demert's request to withdraw its variance petition docketed as PCB 89-54. If Demert no longer wishes to withdraw that petition, it should make an appropriate filing prior to the Board's May 25, 1989 meeting.

Demert's petition is dismissed.

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 May, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board