

ILLINOIS POLLUTION CONTROL BOARD  
August 1, 1985

PRAIRIEVIEW LUTHERAN HOME, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-74  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):

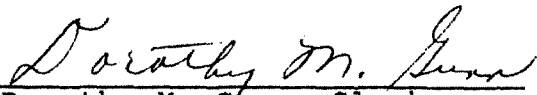
This petition for variance was filed May 20, 1985. In its Order of May 30, 1985, the Board noted various deficiencies in the petition, and stated that

"If an amended petition curing these defects is not filed within 45 days of the date of this Order, this petition will be subject to dismissal."

Prairieview has not filed an amended petition. The Board must take final action on this matter August 15, 1985 to prevent issuance of a variance by operation of law; i.e., the Environmental Protection Act requires the Board to act on this variance petition within 90 days of its filing or variance is deemed issued. The petition is accordingly dismissed for deficiency. The Board notes that this dismissal in no way precludes Prairieview from initiating a new variance proceeding at such time as it has prepared a variance petition which contains the information specified in 35 Ill. Adm. Code 104.121 - 104.124 as well as the Board's May 30, 1985 Order.

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 1st day of August, 1985, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board