

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1981

CITY OF ST. CHARLES,)
)
) Petitioner,)
)
) v.) PCB 81-131
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):


On August 19, 1981 the City of St. Charles filed a petition for variance from Rules 602(b) and 602(d)(1) of Chapter 3: Water Pollution. In that petition hearing was waived "provided a favorable recommendation acceptable to Petitioner is forthcoming from the Illinois Environmental Protection Agency." The Board does not, in general, accept conditional waivers. In this case, the Board construes the waiver as unconditional, accepts it as such, and notes that the City can request a hearing within seven days after receipt of the Agency recommendation (See Procedural Rule 406(b)).

When hearing is waived, the petition must be accompanied by an affidavit in support of the material facts alleged in the petition (See Procedural Rule 401(b)). That has not been done. The Board hereby orders that the City file an amended petition within 45 days of the date of this Order curing that defect.

Furthermore, any available data on the amount and composition of the discharges for which variance is requested should be included in the amended petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20th day of August, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board