

ILLINOIS POLLUTION CONTROL BOARD  
December 3, 1981

AMAX COAL COMPANY, )  
a division of Amax Inc., )  
 )  
Petitioner, )  
 )  
v. ) PCB 81-186  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Respondent. )

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

On November 18, 1981 Amax Coal Co. filed a petition for variance from the Board's April 25, 1972 Order in PCB 71-323. That petition is deficient in that hearing is waived, but that waiver is not accompanied by an affidavit in support of the material facts alleged as is required by Procedural Rule 401(b). Unless an amended petition curing this defect is filed within 45 days of the date of this Order, that petition will be subject to dismissal.

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 3<sup>rd</sup> day of December, 1981 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board