

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1988

CITY OF YORKVILLE,)
)
 Petitioner,)
)
 v.) PCB 87-158
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon City of Yorkville's Petition For Extension Of Radium Variance filed October 13, 1987. Petitioner seeks a variance from 35 Ill. Adm. Code 602.105(a), 602.106(b) and 604.301. On October 20, 1987, Respondent, Illinois Environmental Protection Agency filed its appearance.

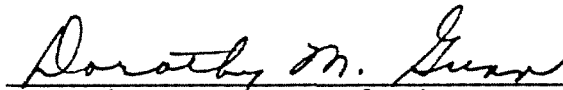
On October 15, 1987 this Board entered an order notifying Petitioner that its Petition For Variance was fatally deficient: Petitioner failed to plead or provide any facts justifying its request for a six month extension as required by 35 Ill. Adm. Code 104.121, 104.122, 104.123. The Board's Order of October 15, 1987 contained a caveat that this action would be subject to dismissal if the noted deficiencies were not corrected within 45 days.

The 45 day time period expired on December 1, 1987. The date of this Order is well in excess of December 1, 1987 and still Petitioner has failed to comply with the Order of October 15, 1987.

This matter is hereby 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 21st day of January, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board