

ILLINOIS POLLUTION CONTROL BOARD  
October 5, 1982

DOWNERS GROVE NATIONAL BANK	)	
as Trustee Under Trust #78-185,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 82-116
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

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

This matter comes before the Board upon a September 16, 1982 filing on behalf of the Downers Grove National Bank as Trustee under Trust #78-185 (Bank) of a petition for variance from Sections 12 and 39 of the Illinois Environmental Protection Act and Rule 962 of Chapter 3: Water Pollution (codified as Section 309.241). That petition is deficient under Procedural Rule 401(b) (codified as Section 104.124) in that hearing is neither expressly waived nor requested, though a conditional (and, therefore, improper) waiver is included without the necessary affidavit attesting to the truth of the facts alleged.

Further, the Board orders that the County of DuPage and the Village of Woodridge be made parties to this action and that service upon them be completed by the Bank pursuant to Procedural Rule 305 (codified as 103.123). Finally, the petition fails to indicate the ultimate discharge point of its sewage as required by Procedural Rule 401(a) (codified as 104.121).

Unless the Bank files an amended petition with the Board within 45 days of the date of this Order, this petition will be subject to dismissal.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 5th day of October, 1982 by a vote of 5-0.

Christian L. Moffett  
Christian L. Moffett, Clerk  
Illinois Pollution Control Board