

ILLINOIS POLLUTION CONTROL BOARD  
June 30, 1983

CITY OF TUSCOLA, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 83-77  
 )  
 ) ILLINOIS ENVIRONMENTAL )  
 ) PROTECTION AGENCY, )  
 )  
 ) Respondent. )


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

This matter comes before the Board upon a June 21, 1983 petition for variance filed by the City of Tuscola. That petition purports to waive hearing but fails to include an affidavit attesting to the truth of the facts alleged as required by 35 Ill. Adm. Code 104.124. Further, additional facts regarding the adverse environmental impact and the hardship should be included pursuant to 35 Ill. Adm. Code 104.121. Finally, the Board questions the sufficiency of a compliance plan which is predicated entirely upon the granting by the Board of site-specific relief. In such a case compliance is contingent upon Board action which cannot be foreseen at the time of the variance relief, such that denial of site-specific regulatory relief would negate the compliance plan. The City of Tuscola should address what steps toward compliance would be taken upon the possible denial of such relief.

Unless the City of Tuscola files an amended petition within 45 days of the date of this Order, the 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 30<sup>th</sup> day of June, 1983 by a vote of 4-0.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board