

ILLINOIS POLLUTION CONTROL BOARD
May 12, 1977

COUNTRY AIRE MOBILE HOME PARK,)
)
 Petitioner,)
)
 v.) PCB 77-126
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Young)

The Petition filed on May 9, 1977 is inadequate in that it fails to comply with the requirements of Rule 401(b) which requires in part that the petition shall contain a request for a hearing on the petition if desired by petitioner, or a statement waiving a hearing. In the event that petitioner waives a hearing at this time, petitioner may withdraw that waiver at a later time in accordance with Rule 406(b) by filing an amended petition requesting a hearing. The Board shall render a final decision within 90 days after the filing of that amended petition.

In addition, the Board notes that the Petition contains a request for a permanent variance (Par. 7(e)). Petitioner may wish to amend this prayer for relief as the Board has held that it does not have the statutory authority to provide such relief.

It is the Order of the Board that Petitioner shall amend the petition within 45 days of the date of this Order. Failure to timely file an amended petition shall cause the petition to be denied without prejudice for inadequacy. The 90 day decision period set by statute shall run from the date of the filing of the amended petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12th day of May, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board