

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1981

VICKERY MANOR SERVICE CORPORATION,)
))
 Petitioner,))
))
 v.)) PCB 81-122
))
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,))
))
 Respondent.))


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

On October 8, 1981 the Illinois Environmental Protection Agency (Agency) filed a timely objection and request for hearing in this variance case. On October 9, 1981 the Agency filed a motion to dismiss based upon alleged deficiencies in the variance petition. Vickery Manor Service Corporation filed a response to the motion to dismiss on October 21, 1981.

While the Board agrees that the petition is not in complete compliance with Procedural Rule 401, it is not so inadequate as to subject it to dismissal, and the motion to dismiss is hereby denied. Some of these alleged deficiencies are cured by the record in PCB 78-139 which has been incorporated by reference into this proceeding, and remaining defects may well be cured at hearing in any case.

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 22nd day of October, 1981 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board