

ILLINOIS POLLUTION CONTROL BOARD
October 14, 1976

JACK THOMPSON,)
)
) Petitioner,)
)
)
) v.) PCB 76-249
)
)
) ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Dumelle):


Petition for Variance filed October 4, 1976 is inadequate in that the Rule or Rules from which variance is desired is not given. The Petition shall be amended within 30 days from the date of this Order to provide the required information.

The Petitioner shall also file a waiver of the 90-day decision period so that the period shall run from the date of filing the Amended Petition. Service of the required materials shall be made upon both the Board and the Illinois Environmental Protection Agency.

Failure to timely file the items requested shall make the Petition liable to dismissal for inadequacy.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 14th day of October, 1976 by a vote of 5-0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board

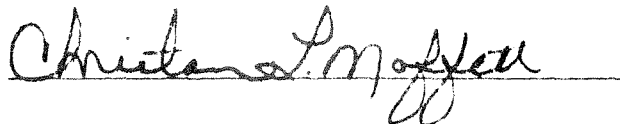
This is not to say that such Regulatory consideration of the propriety of a single site for sanitary landfill use under the Regulatory mechanism is improper. Under the proper circumstances, such a proceeding could be reinstated. In the absence of a general Regulatory framework within which the Agency is to make decisions of this type, we feel that the adjudicative forum is presently best suited for situations where the Agency has already made its determination.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that the instant Regulatory proceeding, R76-2, be dismissed.

Mr. James Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 14th day of October, 1976, by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board