

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1976

MARY ANN NOWAK,)
)
 Petitioner,)
)
 v.) PCB 76-193
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board upon the Petition filed by Mary Ann Nowak on July 16, 1976. Petitioner has applied for a permit to construct a combined sewer in Calumet City to serve ten single-family houses in the proposed Edgewood Subdivision, and the Agency has denied her application. Mary Ann Nowak now petitions the Board in order to enable her to receive the requested permit.

The Board is uncertain, however, as to whether the petition herein is intended to be a permit appeal, in accordance with Rule 502 of the Board's Procedural Rules, or a variance petition, in accordance with Rule 401 of the Procedural Rules. Petitioner is directed to the above-cited Rules as well as Titles 9 and 10 of the Environmental Protection Act for clarification as to which procedure she wishes to pursue.

If the petition herein is intended as a variance petition, it must fulfill the requirements of Rule 401, including the requirements that Petitioner cite the specific section of the Act or Regulations from which variance is sought and that Petitioner state the hardship she will suffer if the variance is denied.

Petitioner shall amend her petition within 45 days of the date of this Order in order to clarify whether it is intended as a variance petition or permit appeal. If the petition is intended to be a variance petition, Petitioner shall amend it to fulfill the requirements of Rule 401 of the Procedural Rules, as noted above. Petitioner shall file with her Amended Petition a waiver of the 90-day decision period set by statute. Failure to timely file the Amended Petition shall subject the petition to possible dismissal for inadequacy.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 22nd day of July, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board