

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1989

CITY OF BATAVIA,)
)
 Petitioner,)
)
 v.) PCB 89-183
) (Variance)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Marlin):

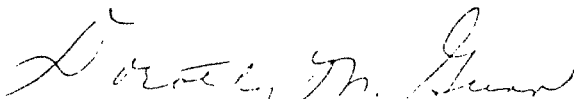
This matter is before the Board on a November 9, 1989 filing by the City of Batavia (Batavia). This filing, entitled "Petition for Motion for Modification of Prior Variance seeks a three year extension of the variance granted August 20, 1987 in PCB 86-36 from 35 Ill. Adm. Code 602.105(a), 602.106(b), and 604.301(a) as those provisions relate to radium.

The Board construes this petition as a new petition for a variance. This petition is deficient in that it fails to expressly request or waive a public hearing. Unless an amended petition curing these deficiencies is filed within 45 days of the date of this Order, this petition will be subject to dismissal.

The date of filing for the purposes of Section 38(a) of the Environmental Protection Act, Ill. Rev. Stat. ch. 111 $\frac{1}{2}$, par. 1038(a), as it relates to the time for Board action, shall be the date on which Batavia files its amendment.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of November, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board