

ILLINOIS POLLUTION CONTROL BOARD

October 17, 1974

EARLY AND DANIEL COMPANY,)	
Petitioner,)	
)	
v.)	PCB 74-368
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent.)	

INTERIM ORDER OF THE BOARD (by Dr. Odell)

On September 30, 1974, the Early and Daniel Company filed a variance petition with the Pollution Control Board (Board) and sought additional time to comply with Section 9(a) of the Environmental Protection Act (Act) following violations established in Environmental Protection Agency v. Early and Daniel Company, PCB 73-454; 12 PCB 237 (May 9, 1974). On October 9, the Petitioner filed additional information consisting of letters from a supplier in which delays were mentioned in implementing the Board's October 1 deadline for installing certain pollution control equipment.

On October 10, 1974, the Environmental Protection Agency (Agency) filed a Motion to Dismiss the variance request, because Petitioner had failed to supply sufficient information to enable the Agency to decide whether the variance should be granted.

Petitioner is asked to amend the Petition for Variance within 35 days of the adoption of this Order and provide the kind of information required by Rule 401 of the Procedural Rules. The 90-day requirement for final action under Section 38 of the Act will begin to run from the filing date of the Amended Petition.

Failure to timely file the additional information will make the Petition subject to dismissal for inadequacy.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 17th day of October, 1974, by a vote of 5 to 0.

Christan L. Moffett
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