

ILLINOIS POLLUTION CONTROL BOARD

April 10, 1975

SANDWICH IRON FOUNDRY,)
Petitioner,)
)
v.) PCB 75-47
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

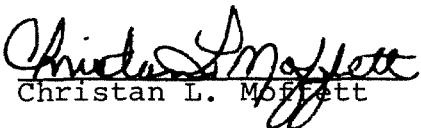
ORDER OF THE BOARD (by Dr. Odell)

On February 6, 1975, the Illinois Pollution Control Board ordered Petitioner to file additional information within 45 days or have its Petition For Variance be subject to dismissal for inadequacy. On April 2, 1975, Petitioner indicated its reasons for delay in filing the required information and concluded by stating, "We shall amend the petition of February 3, 1975, as soon as we hear from our consultant."

While the delay in the filing of the additional information is excusable, we are constrained by the 90-day time limit under Section 38 of the Illinois Environmental Protection Act to dismiss this Petition. Petitioner is free to refile as soon as it can meet the requirements of Rule 401 of the Board's Procedural Rules. Petition For Variance is dismissed without prejudice for failure to file sufficient information to permit the Board to make a decision on the merits of the Petition for Variance.

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 10th day of April, 1975, by a vote of 4 to 0.


Christan L. Moffett