

ILLINOIS POLLUTION CONTROL BOARD
May 5, 1988

SOURS GRAIN COMPANY,)
)
 Petitioner,)
)
 v.) PCB 88-80
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)


ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon Petitioner's May 3, 1988, filing of a Petition For Variance, PCB 88-80. The Petition is deficient in that the compliance plan set forth at p. 18 contains a compliance date of December 31, 1988; however, the Petition, itself, requests until December 31, 1989. The discrepancy is unexplained. Additionally, this Board only recently denied a variance (PCB 85-190) to this Petitioner for a time period which is also referenced in this Petition. Having already passed on Petitioner's variance request for this period the Board finds the current request (covering the same time period) frivolous or duplicitous. Petitioner is invited to brief the issue of the res judicata effect of this Board's denial in PCB 85-190 insofar as that action denied a variance for the same period of time sought in the current Petition; or explain to the Board how the current Petition is different from PCB 85-190.

If the Board does not receive an Amended Petition For Variance, curing the above-noted defects within 45 days of the date of this Order, this action will be subject to dismissal.

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 5th day of May, 1988 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board