

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1975

FRANK FOUNDRIES CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 74-460
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Zeitlin):

The Board entered a final Opinion and Order in this matter on April 10, 1975. Thereafter, on May 8, 1975, the Board received Petitioner's Motion under Rule 334 seeking to vacate the April 10, 1975 Opinion and Order. Petitioner's Motion also sought leave to file an Amended Variance Petition, and to offer additional evidence to the Board to support such an Amended Petition.

Petitioner states:

1. The Board was not apprised of a waiver of the 90 day requirement submitted by Petitioner to the Environmental Protection Agency.
2. Prior to the entry of the Opinion and Order in this matter, Petitioner was in the process of preparing additional information for submission to the Board regarding its original Petition.
3. Petitioner intended to file further additional information reflecting its past attempts to achieve compliance, and to detail the nature of its present operations.

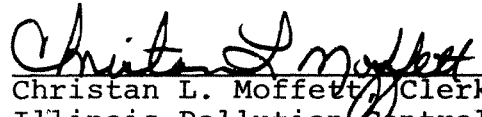
Frank Foundries' Petition for Variance was dismissed without prejudice because Petitioner had failed to allege, much less show, all of the factors which are required before this Board can grant a Variance. The burden here was upon Petitioner; its present desire to correct the deficiencies in its prior pleadings does not constitute grounds to reverse our prior judgment. Should Petitioner feel that it has sufficient facts and information upon which this Board may grant a Variance, it is invited to file a new Variance Petition which will meet our requirements. Petitioner's

Motion to Vacate our prior Opinion and Order, file an Amended Variance Petition, and to offer additional evidence must be denied.

IT IS SO ORDERED.

Mr. Henss abstained in this matter.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 15th day of May, 1975 by a vote of 4 to 0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board