

ILLINOIS POLLUTION CONTROL BOARD  
October 19, 1995

A.E STALEY MANUFACTURING )  
COMPANY, )  
 )  
Petitioner, )  
 ) PCB 96-71  
v. ) (Variance - Water, NPDES)  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by E. Dunham):

On September 27, 1995 the A.E. Staley Manufacturing Company (Staley) filed a Petition for Variance. The petition seeks a variance from Staley's National Pollutant Discharge Elimination System (NPDES) permit.

Pursuant to Section 35(a) of the Environmental Protection Act (Act),

The Board may grant individual variances beyond the limitations prescribed in this Act, whenever it is found...that compliance with any rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship.

(415 ILCS 5/35(a)(1994).)

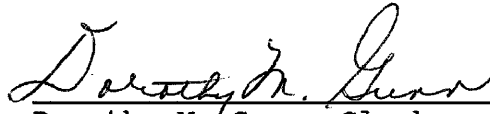
The Act does not authorize variances from permits, but rather the Board may grant a variance from the underlying regulations on which the permit is based. Staley has not specified which regulations correspond to its permit limits from which it seeks a variance. Staley is instructed to file an amended petition specifying the particular provisions of the regulations from which the variance is sought.

The Board also finds that the petition does not meet the requirements of Part 104 of the Board's procedural rules and is therefore deficient. Therefore, the Board directs Staley to file an amended petition which fully comports with the requirements of Part 104.

If an amended petition curing the deficiencies is not filed within 45 days of the date of this order, this petition will be subject to dismissal. The filing of an amended petition will restart the Board's timeclock for purposes of its decision deadline.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 19<sup>th</sup> day of October, 1995, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board