

ILLINOIS POLLUTION CONTROL BOARD
October 7, 1993

IBP Inc.,)	
)	
Petitioner,)	
)	
v.)	PCB 93-179
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G. T. Girard):

On September 30, 1993, IBP Inc. filed a petition to contest conditions imposed on permit by the Illinois Environmental Protection Agency. The Board notes that this petition appears to be timely filed pursuant to Section 40 of the Illinois Environmental Protection Act ("Act"). However, the Board finds that the petition is deficient, in that it does not fulfill the requirements of 35 Ill. Adm. Code 105.102(a)(2), which state in pertinent part:

In the case of a denial of a permit or issuance by the Agency of a permit with one or more conditions or limitations to which an applicant objects, an applicant who seeks to appeal the Agency decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the Agency's final decision. The petition shall include:

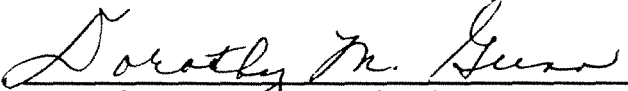
- (A) Citation of the particular standards under which a permit is sought;
- (B) A complete and precise description of the facility, equipment, vehicle, vessel, or aircraft for which a permit is sought, including its location;
- (C) A complete description of contaminant emissions and of proposed methods for their control; and
- (D) Such other materials as may be necessary to demonstrate that the activity for which the permit is sought will not cause a violation of the Act or the regulations.

In addition, it would be very helpful if the amended petition contained a copy of the permit denial letter/permit with contested conditions and a copy of the service certification. Unless an amended petition is filed within 45 days of the date of this order, curing the above-noted defect(s), this matter will be subject to dismissal. The Board notes that for purposes of

calculation of a decision deadline pursuant to Section 40 of the Act, the filing of an amended petition will restart the calculation of the Board's 120 day deadline.

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 7th day of October, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board