

ILLINOIS POLLUTION CONTROL BOARD  
January 10, 1980

NADELHOFFER-WILSON AND )  
ASSOCIATES (Oak Hill Estates), )  
 )  
Petitioner, )  
 )  
v. ) PCB 80-9  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by Mr. Dumelle):

On December 24, 1979 Petitioner moved the Board to vacate and reconsider the Order entered in PCB 79-193 dated November 15, 1979. On January 7, 1980 the Agency moved the Board to strike or deny Petitioner's request. Since Petitioner's motion raises new matters which were not before the Board when the prior decision was rendered, it shall be construed as a new petition for variance.

As a petition it is deficient in two respects. First, it fails to state whether the record in PCB 79-193 should be incorporated here. Second, it fails to state whether a hearing is requested or waived as required by Procedural Rule 401(b). If these deficiencies are not corrected within 45 days of the date of this Order, this matter will be subject to dismissal. The statutory 90 day decision period shall run from the date an amended petition is filed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10<sup>th</sup> day of January, 1980 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board