

ILLINOIS POLLUTION CONTROL BOARD
July 25, 1991

CITY OF KNOXVILLE,)
)
 Petitioner,)
) PCB 91-126
 v.) (Variance)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):


On July 23, 1991 the City of Knoxville (Knoxville) filed a Petition for Variance from the standards for radium - 226 and radium - 228 and the gross alpha particle activity limitations which are set forth at 35 Ill. Adm. Code 604.301. The Board notes, initially, that it grants variances from restricted status under Sections 602.105 and 602.106 not from the standards for radium and gross alpha particle activity. In addition, the Board notes that the petition contains deficiencies in several areas and therefore does not meet the requirements of Part 104 of the Board's procedural rules. Two examples of the deficiencies are that the petition does not set forth a compliance plan nor does the petition contain an assessment of the environmental impact of the proposed variance. Therefore, the Board directs Knoxville to file an amended petition which fully comports with the requirements of Part 104. Knoxville might wish to consult with the Illinois Environmental Protection Agency on this petition.

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.

Knoxville also requests that the Board incorporate the records from four prior variance proceedings in this proceeding. The Board will incorporate the Opinions and Orders from those prior proceedings. However, Section 101.106 requires that "[t]he person seeking incorporation shall file with the Board four copies of the material to be incorporated." Therefore, the Board directs Knoxville to file the appropriate number of copies of the materials from those prior records it wishes to incorporate by reference in this proceeding with the Board.

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 25th day of July, 1991, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board