

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1991

WHITE COUNTY BOARD,)	
)	
Petitioner,)	
)	
v.)	PCB 91-119
)	(Variance)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on the White County Board's July 11, 1991 petition for extension of the variance granted in PCB 85-174 for a one year period beginning March 27, 1991, the date of expiration of the prior variance. White County also requested that "all prior reports, pleadings, recommendations, opinions and orders of the prior proceeding" be incorporated in the petition.

The Board will incorporate by reference into this proceeding the Board's Opinion and Order of March 27, 1986 and the Supplemental Opinion and Order of June 5, 1986. As evidenced in those Opinions, White County was granted a five year variance from 35 Ill. Adm. Code 406.106 and 406.108 to allow use of mine refuse as core material for the construction of a roadway embankment. This project was anticipated to take 6 months at some point during the five year period. The variance required submission of quarterly project reports to the Agency.

The petition for variance extension is deficient in a number of respects:

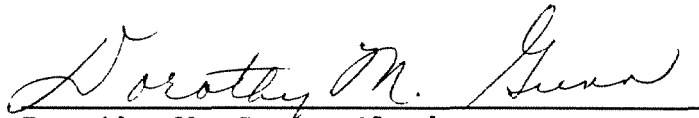
1. The Board cannot incorporate into this record project reports which have never been submitted to it. Additionally, procedures for incorporation of materials from prior proceedings, other than the Board's Opinions and Orders, require submission of copies to the Board. See 35 Ill. Adm. Code 101.106.
2. The petition as filed fails to inform the Board as to what, if any, circumstances have changed since the granting of the prior variance, why the contemplated 6 month project was not completed during the past 5 years, and why petitioner is only now seeking extension of a variance which expired in March. Also see 35 Ill. Adm. Code 104.121 and 104.122 for a listing of the type of information generally relevant to the Board.

3. The petition fails to specifically either 1) request hearing or 2) waive hearing and contain supporting affidavits. See 35 Ill. Adm. Code 104.124.

If an amended petition curing these deficiencies is not filed within 45 days of the date of this Order, this petition will be subject to dismissal.

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 11th day of July, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board