

ILLINOIS POLLUTION CONTROL BOARD  
October 17, 1996

W.R. MEADOWS, INC.,	)	
	)	
Petitioner,	)	
	)	PCB 97-58
v.	)	(Variance - Air)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. McFawn):

On September 25, 1996, W.R. Meadows, Inc., (Meadows) filed an appeal from the denial of a provisional variance by the Illinois Environmental Protection Agency (Agency) or, in the alternative, Meadows asked that the filing be considered as a petition for variance. Additionally, the Agency filed a motion to dismiss Count I of the petition concerning the appeal of the denial of the provision variance on October 15, 1996. That motion is moot based upon this order.

First, the Board cannot accept Meadows' filing as an appeal from the Agency's denial of provisional variance because an appeal of the same provisional variance denial has been filed with the appellate court. (W.R. Meadows, Inc. v. The Illinois Environmental Protection Agency, Joseph Svoboda, and The Illinois Pollution Control Board, Docket No.4-96-0736, (Fourth District, September 18, 1996).) Therefore, the Board does not have jurisdiction in this matter and does not accept Meadows' appeal of the provisional variance denial.

Second, as a petition for variance, the filing is deficient. Pursuant to the Board's procedural rule at 35 Ill. Adm. Code 104.121, a variance petition must contain at a minimum certain information. These requirements are not satisfied in the instant petition.

If an amended petition satisfying the information requirements contained in Section 104.121 is not filed within the next 30 days, this petition will be subject to dismissal. The filing of an amended petition will restart the Board's decision timeclock.

Finally, Meadows also filed a motion to be allowed to use 25% post-consumer material recycled paper. Should Meadows choose to file an amended petition, that motion is granted.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board