

ILLINOIS POLLUTION CONTROL BOARD
January 26, 1984

CITY OF MONMOUTH, a municipal)
corporation,)
)
Petitioner,)
)
v.) PCB 84-6
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board upon a January 18, 1984 petition for modification of the Board's January 21, 1982 Order in PCB 79-249 filed on behalf of the City of Monmouth (City). While it purports to be a joint motion, the Board notes that it was not signed by the Illinois Environmental Protection Agency (Agency). Also, given the overall tenor of the "Petition" and the fact that it was encaptioned PCB 79-249, it appears that the City intended the filing to be treated as a motion for modification. However, 35 Ill. Adm. Code 103.241 limits the filing of such motions to one year subsequent to the entry of the Order. Therefore, the Board construes the petition as a new petition for variance and has docketed it as such.

The petition is, not surprisingly, deficient as a petition for variance pursuant to Part 104 of the Board's procedural rules. Hearing is neither waived nor requested. There is no analysis of environmental impact, present discharge levels have not been included, and there is not adequate factual support for a conclusion that compliance would cause an arbitrary or unreasonable hardship.

Unless an amended petition is filed within 45 days of the date of this Order which cures the above-noted defects, the petition will be subject to dismissal.

IT IS SO ORDERED.

Board Member J. Anderson dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 26th day of January, 1984 by a vote of 6-1.

Christan L. Moffett, Clerk
Illinois Pollution Control Board