

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1976

CATERPILLAR TRACTOR CO.,)	
)	
Petitioner,)	
)	
v.)	PCB 76-131
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin):

In an Interim Order entered June 3, 1976, the Board found that Caterpillar's original Petition in this matter, filed May 7, 1976, was inadequate. Caterpillar was granted 45 days to amend its Petition.

In finding that Petition inadequate, the Board stated,

. . .

2. The Petition fails to show a compliance plan; either such a compliance plan should be shown, or the inapplicability of the compliance plan requirement should be discussed.

In its Amendment to Variance Petition, filed July 15, 1976, Caterpillar stated,

. . .Caterpillar asserts that compliance schedules should not be necessary whenever:

(a) There are no regulations with which to comply (i.e., sulfur dioxide and particulate emissions limitations) . . .

Caterpillar's original Petition cited Commonwealth Edison Co. v. Pollution Control Board, No. 47352 (Ill. Jan. 20, 1976), and apparently now contends that because of the Supreme Court's reversal there of certain emission Regulations, no emission Regulations apply to its plants. Caterpillar nowhere discusses the applicability of the old Air Pollution Control Board Rules.

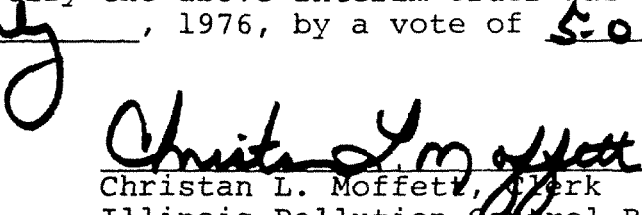
In light of these pleadings, and to avoid undue procedural delay, we shall Order that the Environmental Protection Agency respond to Caterpillar's contention that no emission Regulations are applicable to Caterpillar's plants.

Caterpillar shall also be required to expand on its above quoted statement. Further, the parties should address the applicability of other rules to the permit process in either the presence or absence of applicable emission standards.

The pleadings ordered in this Interim Order should be filed with the Board by August 9, 1976.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 20th day of July, 1976, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board