

ILLINOIS POLLUTION CONTROL BOARD
September 16, 1971

CALUMET STEEL, DIVISION OF)
BORG WARNER CORPORATION)
)
)
v.) #PCB 71-169
)
)
ENVIRONMENTAL PROTECTION AGENCY)

SUPPLEMENTARY ORDER

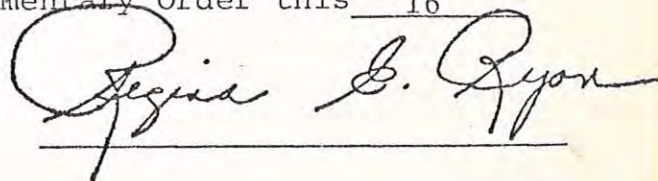
On August 13, 1971, we ordered Calumet Steel, Division of Borg Warner Corporation, ("Calumet"), to file a written report with the Board and with the Environmental Protection Agency by September 3, 1971, indicating the status of the completion of installation of control devices as detailed in Calumet's ACERP and Petition for Variance. We took no action on Calumet's Petition for Variance which requested an extension of the ACERP until August 31, 1971, and which had been filed with the Board on June 30, 1971, since by the time a hearing could be held and a decision on the merits rendered, the August 31, 1971, date would have been reached.

On August 31, 1971, Calumet submitted its report to the Board indicating that Installation of the control equipment had been completed and that "emissions were well within regulations."

Calumet's Petition was filed too late to properly allow us to act on the requested extension of time until August 31, 1971. Nonetheless, their report pursuant to our Order of August 13, 1971, indicates that they no longer need the requested variance. Under similar circumstances in National Gypsum Company v. EPA, PCB # 71-99, August 2, 1971, we dismissed a variance petition as having become moot due to the fact that the company had managed to bring itself into compliance with the law before the date requested in the petition, which date had passed by the time the Board rendered its decision. We find similarly here.

It is therefore, the order of the Pollution Control Board that the Petition for Variance is dismissed on the ground of mootness.

I, Regina E. Ryan, Clerk of Pollution Control Board, certify that the Board adopted the above Supplementary Order this 16 day of September, 1971.



Regina E. Ryan