

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1978

OLIN CORPORATION,)
(Joliet),)
)
Petitioner,)
)
v.) PCB 78-245
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Young):

Petitioner Olin Corporation filed a Motion for Reconsideration and Amended Petition for Variance on October 6, 1978. A response to the Motion was filed by the Respondent Agency on October 17, 1978.

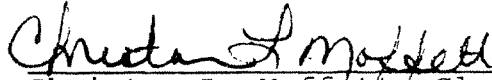
The Petitioner has requested that the Board extend the expiration date on an existing permit until a decision is rendered and all rights of review in the courts have been exhausted on a petition now pending as PCB 78-243. A decision in PCB 78-243 will be rendered by December 8, 1978, in compliance with Section 40 of the Act. The Petitioner alleges that it will be required to cease operations if the permit is not extended. The Board has repeatedly held that denial of a variance is not a shut-down order. Additionally, the relief requested is not appropriate under the Act or the Board's Regulations and prior decisions.

The Petitioner raises an issue in the Motion relative to Rule 406 of our Procedural Rules which has no merit. The Motion to Dismiss filed by the Agency on September 19, 1978, is not the recommendation on a variance petition contemplated by Section 37 of the Act and Rule 405 of our Procedural Rules.

The Motion for Reconsideration is denied and the Amended Petition is dismissed as inadequate.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2nd day of November, 1978 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board