

ILLINOIS POLLUTION CONTROL BOARD
April 28, 1977

ALTON BOX BOARD COMPANY,)
)
) Petitioner,)
)
) v.) PCB 77-59
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

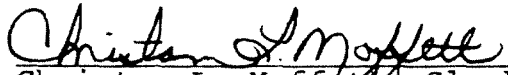
ORDER OF THE BOARD (by Mr. Goodman):

On April 12, 1977, the Agency submitted a Request for Leave to File a Motion to Dismiss and Delayed Recommendation. That request is hereby granted. In its Motion to Dismiss, the Agency alleges that the Board has no authority to grant the requested variance. The Agency argues that the language of Section 35 of the Act precludes the Board from granting variances inconsistent with applicable provisions of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) and regulations thereunder and that the variance requested herein would allow Petitioner to meet a more relaxed standard than Petitioner is required to meet under federal law. Because this issue is one of first impression for the Board, the Board will defer decision on the Motion to Dismiss and will take the Motion with the case.

Also, the Objection to Petition for Variance filed on April 4, 1977, is granted. A public hearing will be held.

Mr. James Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 28th day of April, 1977 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board