


ILLINOIS POLLUTION CONTROL BOARD  
April 22, 1976

ASARCO, INCORPORATED, )  
 )  
 ) Petitioner, )  
 )  
 )  
 ) v. ) PCB 76-99  
 )  
 )  
 ) ENVIRONMENTAL PROTECTION )  
 ) AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

On April 13, 1976, Petitioner Asarco, Inc. filed a Petition for Variance seeking variance from Rule 303 of Chapter 2 and "any other regulations which may pertain to sulfur dioxide emission standards in the Peoria major metropolitan area." The sulfur dioxide regulation which would have been applicable in this case, Rule 204(c)(1)(A), was reversed and remanded to the Board by the Illinois Supreme Court in Commonwealth Edison Company v. Pollution Control Board (January, 1976). The Board on April 8, 1976, reopened R71-23 for the purpose of validating the remanded rules. At this time, Petitioner's variance request is inappropriate. The Petition for Variance is, therefore, dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 22<sup>nd</sup> day of April, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board