ILLINOIS POLLUTION CONTROL BOARD February 19, 1976

CATERPILLAR TRACTOR COMPANY,)		
Petitioner,)		
v.)))	PCB	74-484
ENVIRONMENTAL PROTECTION AGENCY,)		
Respondent.)		

Mr. Richard J. Kissel, Martin, Craig, Chester & Sonnenschein, appeared on behalf of Petitioner.

Mr. Michael Ginsburg appeared on behalf of Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon the second amendment to petition for variance filed by Caterpillar Tractor Company (Caterpillar) on January 13, 1976. A hearing was held January 19, 1976, in Peoria County. Caterpillar seeks variance from Rules 103(b), 104, 204 and 203 of the Air Regulations and §9(b) of the Environmental Protection Act (Act) for its East Peoria and Mossville plants. Both of these plants are located in the Peoria MMA. Rule 103(b) relates to operating permits and Rule 104 concerns compliance plans.

As Caterpillar's petition states that the boilers at both plants are coal-fired, the Board assumes that Caterpillar is seeking variance from Rule 203(g)(1) and 204 (1)(A) of the Air Regulations concerning particulate and SO2 emissions, respectively. The Illinois Supreme Court in Commonwealth Edison Company v. The Pollution Control Board, Docket No. 47352, affirmed the reversal of the adoption of those Rules. Therefore, the Board finds Caterpillar's petition for variance from Rules 103(b), 104, 203 and 204 to be moot.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that Caterpillar's petition for variance from Rules 103(b), 104, 203 and 204 of Air Regulations and Section 9(b) of the Act be and is, hereby, dismissed.

Illinois Pollution Centrol Board

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify the above Opinion and Order were
adopted on the 1919 day of 1976 by a vote
of 1976 by a vote
Christan L. Moffett Mork