

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

MONSANTO COMPANY,)
)
 Petitioner,)
)
 v.) PCB 75-318
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin):

Pursuant to Petitioner's Motion (contained in a "Response to Respondent's Recommendation"), filed October 21, 1975, and a Waiver filed October 28, 1975, this cause shall be set for hearing.

To simplify and expedite a hearing on this matter, we should make clear in light of the many matters raised by Petitioner that the legal issue of whether a permanent Variance may be granted by this Board should not be covered at hearing. This issue is covered in the Board's prior Opinion, Monsanto v. EPA, PCB 74-289, currently being appealed by Monsanto.

We note that Monsanto claims an inability to meet the standards for its mercury effluent contained in the Agency's Recommendation; the standards objected to are the same as those contained in our prior Variance Opinion and Order, PCB 74-289, supra. That being the case, we interpret this Motion as adding to the instant Variance Petition a further request for Variance from the existing conditions in the Variance granted in PCB 74-289.

We also note that Petitioner did not file this request for hearing until the 82nd day of the statutory 90-day period for decision on a Variance, and that some of the issues raised now by Petitioner are the same as those decided in the earlier Variance case, PCB 74-289. The Board's adjudicative resources are limited, and dilatory use of such resources cannot be tolerated.

This matter shall be set for hearing.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 30th day of October, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board