

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 1975

INTERNATIONAL HARVESTER, )  
WISCONSIN STEEL DIVISION, )  
Petitioner, )  
 )  
v. ) PCB 75-271  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon International Harvester's (Harvester) October 21, 1975, and October 31, 1975, Motions for Continuance and the Environmental Protection Agency's (Agency) October 29, 1975, Motion to Dismiss.

Harvester moves to continue this action until after it consummates the sale of the premises to McCouth Steel Company. The Agency moves to dismiss since, after the sale, Harvester will not be in a position to meet the compliance plan described in its variance petition. Harvester answers the Motion to Dismiss by stating that it has always acted in good faith and will continue to adhere to its control plan during the pendency of the sale. Harvester also states that the sale has not been finalized.

The Board finds that both motions should be denied. Harvester is entitled to seek its variance, but, by its answer to the Agency's motion, it has contradicted its basis for a continuance, i.e., that the sale of the premises is imminent. Therefore, it is the Order of the Board that Harvester's Motions for Continuance and the Agency's Motion to Dismiss be and are, hereby, denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6<sup>th</sup> day of November, 1975 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board