

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1975

KENOSHA PACKING COMPANY,)
Petitioner,)
)
v.) PCB 75-204
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

ORDER OF THE BOARD (by Dr. Odell):

On May 14, 1975 Kenosha Packing Company filed a Petition for Variance with the Illinois Pollution Control Board (Board). Petitioner sought a variance from Section 9(a) and (b) of the Illinois Environmental Protection Act and Rule 103(b)(2) of the Air Pollution Regulations. On June 27, 1975 the Illinois Environmental Protection Agency (Agency) filed its Recommendation of Denial with the Board. On July 3, 1975 Petitioner filed a Motion To Withdraw Petition For Variance. Petitioner stated that because of a stipulation and agreement in the enforcement case, Environmental Protection Agency v. Kenosha Packing Co. PCB 75-122, "there is no need on the part of Petitioner...for variance referred to above." Petitioner moved on July 7, 1975 that the Board strike and dismiss the Agency Recommendation of June 27, 1975.

We grant the Motion to Withdraw Petition for Variance. This grant should not be construed as an approval or disapproval of any stipulation and agreement on the pending action, PCB 75-122. If the stipulation and agreement should later be found unsatisfactory, Petitioner is free to file another variance petition. Petitioner's motion of July 7, 1975 is rendered moot by this Order of dismissal.

Petition for Variance is dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 10th day of July, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board