

ILLINOIS POLLUTION CONTROL BOARD

April 4, 1974

REICHHOLD CHEMICALS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 73-539
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by Mr. Henss)

Respondent Environmental Protection Agency has filed a Motion to Dismiss the petition for variance. The Agency states that Petitioner has failed to set forth in its Petition for Variance any plan or time table for bringing its facility into compliance with Rule 206(c) of the Air Pollution Control Regulations. Petitioner Reichhold Chemicals, Inc. replies that the scope of Rule 206(c) is one of the issues in the case and that Petitioner wishes to contend that said Rule is inapplicable to Petitioner or is invalid. We believe that Petitioner should have the opportunity to present its proof on that issue and will therefore rule upon the motion to dismiss following the hearing.

It is ordered that the motion to dismiss be taken with the case.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 4<sup>th</sup> day of April, 1974 by a vote of 5 to 0.

