

ILLINOIS POLLUTION CONTROL BOARD

September 27, 1974

AMERICAN CYANAMID COMPANY, )  
 )  
 ) Petitioner, )  
 )  
 ) vs. ) PCB 74-227  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by Mr. Henss):

On September 12, 1974 this Board denied Petitioner's request for variance from Rule 204(f)(2) of the Air Pollution Control Regulations. On September 18, 1974 Petitioner requested that we reconsider our Order denying the variance. The Motion for Reconsideration was timely filed.

The Board finds that the Motion for Reconsideration constitutes a waiver of the statutory requirement that the Board act upon the original petition within 90 days. Therefore, there is now no impediment to a consolidation of the variance case, PCB 74-227, with an enforcement action which had previously been filed, PCB 74-209.

The Board further finds that the parties have now reached an agreed settlement which will be sufficient for the disposition of these two cases and that the record originally submitted to the Board in PCB 74-227 is supplemented and improved through a consideration of material included in the record of the enforcement action and a consideration of additional information included in the Stipulation for Settlement. Therefore, we find that justice will be best served by a reconsideration of our September 12, 1974 Opinion and Order.

It is Ordered that the Motion for Reconsideration of Order Denying Variance be granted. A written opinion of final disposition of the consolidated cases will be prepared.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 27<sup>th</sup> day of September 1974 by a vote of 5 to 0.

Christan L. Moffett