## ILLINOIS POLLUTION CONTROL BOARD

January 10, 1974

BORG-WARNER CORPORATION,	)
Petitioner,	)
V.	) PCB 73-220
ENVIRONMENTAL PROTECTION AGENCY,	)
Respondent.	)

ORDER OF THE BOARD (by Mr. Henss)

Petitioner Borg-Warner has filed Motion for Post-Hearing Relief. The relief requested is that we grant a six month variance from Rules 621(d) and 634, Chapter 2, Part VI Air Pollution Control Regulations so that Borg-Warner may continue to dispose of asbestos waste in the manner described in our August 23, 1973 Opinion. The Motion for Post-Hearing Relief is denied.

In our prior Opinion (August 23, 1973) we said:

"We shall grant Petitioner a variance for four months only. We allow this time for Petitioner to investigate and adopt a method, by which compliance with the Regulations will be achieved in the shortest possible time period. We ask the Agency to cooperate fully with Borg-Warner officials in their search for an acceptable disposal method during this four month period. Subsequent proceedings should include the landfill operator, and any extension of the variance should be based upon satisfactory progress toward compliance with the Regulation."

The Motion for Post-Hearing Relief does not show Borg-Warner's compliance with our prior Opinion. It is not timely filed and does not request that type of relief which may properly be granted in a post-hearing proceeding. In actuality, this is a new variance request and the pleading does not comply with the requirements of our Procedural Rule 401 specifying the content of a variance petition. If Petitioner wants to request an extension of the

variance it should do so in a new variance petition filed in compliance with our Procedural Rules.

It is ordered that the Motion for Post-Hearing Relief be denied.

Mr. Seaman was not present.