

ILLINOIS POLLUTION CONTROL BOARD
September 26, 1972

ENVIRONMENTAL PROTECTION AGENCY)
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 v.) # 72-144
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 RICHARDSON CO.)

Opinion of the Board on Petition for Rehearing (by Mr. Currie):

Our order of September 6, 1972 dismissed the Agency's complaint for failure of proof, and we are asked to reconsider it. The Agency urges that it proved particulate emissions in excess of regulation limits. To the extent this contention refers to the Agency's argument that sources other than the curing ovens should be controlled, reexamination confirms our original conclusion that no particulate emissions from such sources were proved (Ex. 28). To the extent the claim is that penalties should be imposed for emissions from the ovens between the expiration of the Acerp and our grant of a variance reaffirming the initial program, we think no purpose would be served by imposing penalties under the circumstances. Cf. EPA v. M.S. Kaplan Co., #71-50 (July 8, 1971). The petition for rehearing is denied.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion on Petition for Rehearing this 26th day of September, 1972, by a vote of 5-0.

