ILLINOIS POLLUTION CONTROL BOARD
November 17, 1988

STEPAN COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 88-77
	)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Marlin):

On November 3, 1988, the Illinois Environmental Protection Abency (Agency) filed a Motion to Dismiss. Stepan Company (Stepan) filed its Response on November 7, 1988.

In its motion, the Agency states that Public Act 85-1321, which became effective August 31, 1988, provides support for a dismissal of this matter. The Agency states that Stepan has requested variance from 35 Ill. Adm. Code 215.960 through 215.966. Those Sections are included in Subpart RR which was adopted by the Board on April 7, 1988 in Docket R86-18. The Agency further states that Stepan filed a Notice of Intent to Petition for Adjusted RACT Emissions Limitations, pursuant to Subpart I of Part 215, on June 3, 1988. Stepan filed its Petition for an Adjusted RACT Emissions Limitation on August 5, 1988. The Agency concludes that P. A. 85-1321 excludes Stepan by operation of law from Subpart RR. According to the Agency, Stepan's variance petition should be dismissed since Stepan is no longer subject to the Sections from which it seeks variance.

Stepan responds by requesting that the Board deny the Agency's motion or grant dismissal with specific conditions which are set forth in Stepan's response.

The Agency's motion is granted and this matter is dismissed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 17th day of November, 1988, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board