ILLINOIS POLLUTION CONTROL BOARD
February 11, 1976

LINCOLN DEVELOPMENT CENTER,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 75-430
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by Mr. Young):

This matter comes before the Board upon the Amended Petition of Lincoln Development Center filed on January 2, 1976, seeking a variance extension from Rule 203(g)(1)(B) of the Air Regulations for two separate power plants utilized at its facilities near the City of Lincoln. An Agency Recommendation was filed with the Board on December 24, 1975.

The Board must dismiss this Petition. In the Illinois Supreme Court Docket No. 47352 entitled Commonwealth Edison Company v. Pollution Control Board, the judgment of the Appellate Court in 25 Ill. App. 3d 271, reversing the adoption of Rule 203(g)(1) was affirmed. In consideration thereof the Board finds this Petition for a Variance Extension from that Rule to be moot.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Board that Lincoln Development Center's Amended Petition for Variance from Rule 203(g)(1)(B) of the Air Regulations be and is hereby dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of February, 1976 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board