

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1973

MOBIL OIL CORPORATION)
)
) #73-83
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

This proceeding is an appeal from a permit denial pursuant to Section 40 of the Environmental Protection Act. Mobil Oil Corporation has filed a Motion to Suspend Application of the Regulations Pending Final Decision of the Board on the appeal petition. The gravamen of the motion is that petitioner is in jeopardy as to possible violation and resulting enforcement action during the appeal period.

Nothing in the Environmental Protection Act or our Regulations makes provision for suspending application of the Regulations and, accordingly, the motion must be denied. Variance procedures would be available to petitioner and the pendency of any appeal could be asserted by way of mitigation or defense in any enforcement proceeding filed. The motion to suspend application of the regulations is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 12th day of April, 1973, by a vote of 4 to 0.

Christan Moffett