

ILLINOIS POLLUTION CONTROL BOARD

July 10, 1975

AMERICAN CAN COMPANY,)	
Petitioner,)	
)	
v.)	PCB 75-131
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
Respondent.		

ORDER OF THE BOARD (by Dr. Odell)

On March 25, 1975, American Can Company filed a Petition For Variance with the Illinois Pollution Control Board (Board). Supplemental information was filed on April 14, 1975. On the same day, the Illinois Environmental Protection Agency (Agency) filed its Objection To Petition For Variance and a Motion For Hearing. The Board set the case for hearing by its Order of April 24. The Agency filed its Recommendation of denial on May 15 with supplemental information filed on May 22, 1975. The hearing scheduled for June 3 was canceled at the request of the Petitioner and rescheduled for July 2, 1975. Pursuant to Rule 406 of the Procedural Rules, the request for the continuance constitutes a waiver of the 90-day decision period for the period of the continuance. On June 20 Petitioner's Response To Respondent's Recommendation was filed with the Board. A Request For Leave To File Amended Variance Petition was filed on June 26 with a Letter of Waiver effective until the time of the filing of the Amended Petition. The submission also included a request that the July 2 hearing be canceled. The Board was informed on July 3 that the hearing scheduled for July 2 had been canceled.

We grant the Motion To File Amended Variance Petition. We do not rule at this time whether a hearing will be necessary. The 90-day period for final Board action required under Section 38 of the Illinois Environmental Protection Act shall run anew from the time of the filing of the Amended Petition For Variance.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 10th day of July, 1975, by a vote of 5 - 0.


 Christan L. Moffett, Clerk
 Illinois Pollution Control Board