

ILLINOIS POLLUTION CONTROL BOARD
March 28, 1974

A. O. SMITH CORPORATION)
PETITIONER)
)
)
 v.) PCB 74-70
)
)
 ENVIRONMENTAL PROTECTION AGENCY)
 RESPONDENT)
)

ORDER OF THE BOARD (by Mr. Marder)

The Petition for variance in this matter generated a motion to dismiss, filed by the Agency on March 11, 1974. This motion raised a question as to whether a variance is in fact proper at this time.

Rule 401 (a) (v) of the Board's Procedural Rules requires that a petition for variance contain data showing the nature and extent of the present failure to meet the particular provisions from which the variance is sought.

Petitioner shall file within 15 days of the entry of this Order information as to whether Petitioner qualifies for a variance, taking Rule 401 (a) (v) of the Board's Procedural Rules into consideration.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 28th day of March, 1974, by a vote of 5 to 0.

