

ILLINOIS POLLUTION CONTROL BOARD

February 6, 1975

CITY OF PLANO,)
)
 Petitioner,)
)
 vs.) PCB 75-14
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

On January 27, 1975 Respondent filed a Motion to Dismiss the variance petition, and for grounds stated that Petitioner had not submitted a control program for achieving eventual compliance with the Open Burning Regulations. We believe that the Petitioner's allegations are sufficient at this pleading stage of the proceeding, but this same issue may be raised again when the case is decided on the merits.

The Motion to Dismiss is denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 6th day of February, 1975 by a vote of 4 to 0.

Christan L. Moffett