

ILLINOIS POLLUTION CONTROL BOARD  
December 8, 1977

REICHHOLD CHEMICALS, INCORPORATED,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 73-539
	)	74-111
ENVIRONMENTAL PROTECTION AGENCY,	)	(CONSOLIDATED)
	)	
Respondent.	)	

ORDER OF THE BOARD (by Mr. Goodman):

Reichhold Chemicals, Incorporated (Reichhold), originally filed a Petition for Variance with the Board on December 18, 1973, requesting relief from the carbon monoxide emission limitations in Rule 206(c) of Chapter 2: Air Pollution. On March 25, 1974, Reichhold filed a Permit Appeal Petition dealing with essentially the same matters, and on March 28, 1974, the Board entered an Interim Order consolidating the two cases.

On December 5, 1977, Reichhold filed a Motion asking that the Variance matter, PCB 73-539 be dismissed without prejudice, and that the Permit Appeal, PCB 74-111, be resolved by an Order directing that the appropriate permit be issued; both requests in the Motion were based on an expectation that the Board would take final action on a pending Regulatory matter, R75-9 et al., "Carbon Monoxide."

We have today taken such final action in that regulatory matter, our action being apparently consistent with a Regulatory Petition filed by Reichhold. However, that action does not require that all of the relief requested by Reichhold's Motion be granted. While we agree that dismissal without prejudice would be appropriate for the Variance matter, we do not agree that we should order any Permit issued. Instead, we shall allow Reichhold an opportunity to submit a new permit application, taking into account our regulatory action. Inasmuch as no enforcement cases appear to be pending for the period since the Permit appeal was filed, we shall also dismiss it without prejudice.

Reichhold's Motion is granted insofar as it seeks dismissal of PCB 73- 539 without prejudice, and denied as to other relief sought. On the Board's own Motion, PCB 74-111 shall also be dismissed, without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 8<sup>th</sup> day of December, 1977 by a vote of 5-0.

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