

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1972

ARMAK COMPANY)
)
) #72-414
 v.) #72-415
) (Consolidated)
 ENVIRONMENTAL PROTECTION AGENCY)

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

Petitions were filed by Armak Company in the above proceedings, consolidated, asking variances from the provisions of Rule 103 of the Rules and Regulations of the Pollution Control Board with respect to the filing for and acquisition of operating permits pursuant to time schedules as provided in said Rule. The Agency has filed a Motion to Dismiss on the ground that Rule 103(b)(2)B contains administrative procedures that must be exhausted before a variance from the Board is sought.

Hearing has already been set on this consolidated matter and we are not disposed to dismiss the petition at the present time because of failure to exhaust administrative remedies. However, if the Agency construes the petition as a request for such administrative relief on the Agency level and indicates what it would be willing to do in this regard to the extent such relief is still possible within the provisions of the Rule, we will be guided by this submission as to the ultimate order entered in this proceeding. The Agency's motion to dismiss is denied.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was entered on the 5th Day of December, 1972, by a vote of 4 to 0.

Christan L. Moffett