

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1976


BARCOL OVERDOOR COMPANY, INC.)	
)	
Petitioner,)	
)	
)	
)	
v.)	PCB 75-367
)	
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

OPINION OF THE BOARD (by Mr. Dumelle):

On December 18, 1975 the Board ordered the instant Petition for Variance dismissed as moot. Petitioner has failed to demonstrate that it is not entitled to an operating permit under Air Regulation 205(f)(2)(D) as amended by R75-3 on September 29, 1975. That amendment extended to May 30, 1977 the exemption of certain materials from the requirements of 205(f). The instant petition was filed on September 19, 1975. Petitioner has failed to demonstrate a need for a variance in that Petitioner has neither pleaded nor proven that it is not entitled to an operating permit and that its Petition is not therefore mooted by R75-3.

This Opinion constitutes the Board's findings of fact and conclusions of law.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 8th day of January, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board