

ILLINOIS POLLUTION CONTROL BOARD

June 27, 1974

ARMOUR-DIAL, INC.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB 73-388
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by Mr. Henss):

On June 18, 1974 Petitioner filed Motion for Entry of Order Granting Permit. The Motion is denied since the issue is not properly before us in this variance proceeding.

If Armour-Dial believes that the Environmental Protection Agency has erroneously denied a permit it should file a petition for hearing under Procedural Rule 502 specifically raising that issue. The current motion indicates that the EPA denied a permit because the Aurora Sanitary District did not state its "willingness" to accept the Armour effluent. "Willingness" may not be relevant if the effluent is otherwise acceptable under the law, but we are unable to decide such an issue with the limited record available in this variance proceeding. Under Rule 502 we could review the entire Agency record of the permit application along with any further evidence adduced in a hearing before one of our hearing officers. Any order for the issuance of a permit should only follow that kind of a careful attention to the record.

It is ordered that Petitioner's Motion for Entry of Order Granting Permit be denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 27<sup>th</sup> day of June, 1974 by a vote of 5 to 0.

*Christan L. Moffett*