

ILLINOIS POLLUTION CONTROL BOARD

February 6, 1975

KOPPERS COMPANY, INC.)
)
) Petitioner,)
)
 vs.) PCB 74-325
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

On November 15, 1974 Petitioner filed "Motion for Leave to File Instanter Amendment to Petition for Variance". The Amendment to Petition for Variance was submitted on that same date.

It is Ordered that the Motion be allowed and the Amendment to Petition for Variance be deemed filed as of November 15, 1974.

On February 5, 1975 Respondent filed a Motion to Dismiss, alleging that the Amendment to the Variance Petition had never been filed with the Agency. Petitioner, on the other hand, contends that the Amendment was in fact served on the Agency in November 1974. Representatives of the EPA now state that they will have sufficient time for the filing of Recommendation herein if Petitioner waives its right to a decision on the variance proceeding to and including February 27, 1975. Upon Petitioner's representation that it makes such waiver the Agency's Motion to Dismiss is hereby denied.

IT IS SO ORDERED.

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