

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1996

SHELL OIL PRODUCTS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 96-236
)	(Variance - Land)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a June 10, 1996 Motion to Dismiss filed by the Illinois Environmental Protection Agency (Agency). The Agency argued that the petition for variance should be dismissed because Shell Oil Products Company (Shell) failed to state a claim for which relief in the nature of a variance can be granted; because Shell's petition was deficient; and, because the Board lacks subject matter jurisdiction.

At its June 6, 1996 meeting, the Board directed Shell to file an amended petition which would clarify whether Shell was seeking a variance or an adjusted standard in this matter. The order requested Shell to file an amended petition on or before June 22, 1996. It would appear that the Board's order and the Agency's motion crossed in the mail; therefore, the Board denies the Agency's Motion to Dismiss at this time. The Agency may renew its request for dismissal, if necessary, after reviewing Shell's amended petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board