ILLINOIS POLLUTION CONTROL BOARD September 18, 1980

MARATHON	OIL	COMPANY,)		
		Petitio	ner,)		
	v.)	PCB	80-127
ILLINOIS AGENCY,	ENV	IRONMENTAL	PROTECTION)		
		Responde	ent.)		

ORDER OF THE BOARD (by I. Goodman):

Petitioner first filed its petition for variance from Rule 205(m)(B)(3) of the Board's air pollution control regulations, which rule was incorporated into its construction and operating permit, on July 7, 1980. The Board by Order of July 10, 1980 found the petition insufficient. An amended petition was filed on July 22, 1980; the Board by Order of July 24, 1980 again found it insufficient.

On August 21, 1980 Petitioner filed a third amended petition. Again the Board finds it insufficient. It waives hearing but annexes no affidavit as to the facts alleged. Further, it does not address data and other information showing that a grant of variance would not be inconsistent with the state implementation plan (see 42 U.S.C. §7410), of which Rule 205(m)(B)(3), adopted in R78-3 and 4, is part.

The Board notes that its Supplementary Opinion in R78-3 and 4 of June 30, 1980 declared its intent that, in cases where three or more facilities are owned, only 33% of these facilities need be in compliance by July 1, 1980.

The petition is dismissed without prejudice to refiling.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the day of _______, 1980 by a vote of ______.

Christan L. Moffett Clerk

Illinois Pollution Control Board