

ILLINOIS POLLUTION CONTROL BOARD
November 4, 1993

NAVAL TRAINING CENTER)	
GREAT LAKES, UNITED STATES)	
DEPARTMENT OF THE NAVY,)	
)	
Petitioner,)	
)	
v.)	PCB 93-207
)	(Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

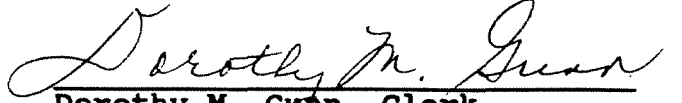
This matter is before the Board on a petition for variance, filed on November 1, 1993 by Naval Training Center Great Lakes, United States Department of the Navy (hereafter, NTC). NTC seeks a variance from 35 Ill. Adm. Code 218.583 and 218.586. After reviewing the petition, it appears that the petition is deficient. Specifically, the Board directs NTC to expand upon its discussion of the reasons that it believes that compliance with the regulations would impose an arbitrary or unreasonable hardship. NTC is directed to file an amended petition within 45 days of the date of this order, or the petition for variance will be subject to dismissal. The Board notes that for purposes of calculation of the decision deadline pursuant to Section 38 of the Environmental Protection Act, the filing of an amended petition will restart the Board's 120-day decision deadline.

Additionally, the Board notes that NTC has waived hearing.¹ However, the Board believes that a hearing is required pursuant to federal law. (See 40 CFR §§ 51.102 and 51.104.) If NTC believes that a hearing is not required, it should address that issue in its amended petition. The Board also asks the Agency to comment, by December 13, 1993, upon whether a hearing on this petition is necessary pursuant to the Clean Air Act.

¹ The Board notes that the petition did not contain an affidavit in support of the material facts alleged in the petition. (See 35 Ill. Adm. Code 104.124.)

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 4th day of November, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board