

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1990

DMI, INC.,)
)
Petitioner,)
)
v.) PCB 90-227
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

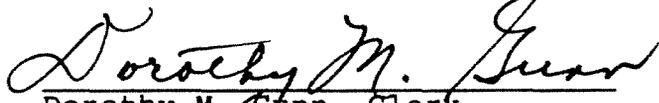
On December 5, 1990, DMI, Inc. filed a petition for variance for its facility located in Woodford County. That petition is deficient in that it fails to provide:

1. A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Act and regulations, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and the estimated costs involved for each phase and the total cost to achieve compliance, as required by 35 Ill. Adm. Code 104.121(f). DMI's intention to file a petition in the future for site-specific regulatory relief does not constitute an adequate compliance plan;
2. A statement of the measures to be undertaken during the period of the variance to minimize the impact of the discharge of contaminants on human, plant and animal life in the affected area, including the numerical interim discharge limitations which can be achieved during the period of the variance, as required by 35 Ill. Adm. Code 104.121(j). DMI does not suggest interim emission limitations based on never to exceed levels of lbs VOM/gal; and
3. A statement of consistency with federal law as required by 35 Ill. Adm. Code 104.122. Specifically a statement as to whether replacing the 3.5 lbs/gal VOM limit which is a never to exceed value with an annual average value for lbs of VOM/gal is acceptable under federal law;

Unless an amended petition is filed within 45 days of the date of this Order, curing the above-noted defects, this matter will be subject to dismissal. The Board notes that for purposes of calculation of the decision deadline pursuant to Section 38 of the Act, the filing of an amended petition will restart the Board's 120 day deadline.

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 20th day of December, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board