

ILLINOIS POLLUTION CONTROL BOARD
December 29, 1983

THRALL CAR MANUFACTURING)
COMPANY,)
)
Petitioner,)
)
v.) PCB 83-233
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

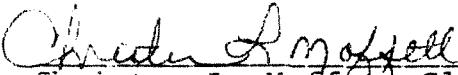
On December 15, 1983, Thrall Car Manufacturing Company (Thrall) filed a Petition for Variance from 35 Ill. Admin. Code 215.204(j)(ii) (the VOC limitations for miscellaneous metal products adopted in RACT II, R80-5). Thrall's petition states that (1) on July 22, 1983, Thrall submitted to the Agency a RACT II compliance program which mistakenly interpreted the miscellaneous metal products limitations as applicable to Thrall's railroad car coating operations, (2) Thrall now believes its coating operations are more properly subject to the heavy off-highway vehicle products limitations of Section 215.204(k), and on October 12, 1983 requested the Agency to modify its operating permit accordingly, and (3) on December 1, 1983 the Agency refused such modification.

Thrall's December 15, 1983 Petition for Variance from 35 Ill. Admin. Code 215.204(j)(ii) is inadequate in that it fails to provide a detailed description of the proposed method of control to ultimately achieve full compliance with that regulation, as required by 35 Ill. Admin. Code 104.121(f). Unless Thrall files an amended petition curing this defect within 45 days of the date of this Order, the petition will be subject to dismissal. As this type of variance must be reviewed by USEPA, Thrall may wish to contact the Agency for advice concerning the informational needs of USEPA prior to filing any amended petition.

Thrall may wish to consider whether this matter might more properly be heard as a permit appeal (of the Agency's denial of a request for modification) under 35 Ill. Admin. Code 105.102. If so, the Board will entertain a motion to reform the pleadings in this matter if filed on or before January 10, 1984.

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 29th day of December, 1983 by a vote of 7-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board