

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1979

STANADYNE, INC., CHICAGO DIVISION,)
)
) Petitioner,)
)
) v.) PCB 79-120
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION OF THE BOARD (by Mr. Goodman):

This Opinion supports the Board Order of November 1, 1979, herein.

This variance petition seeks an extension of the variance granted Petitioner in PCB 78-267 through and including November 30, 1979. The Agency recommends denying the petition until such time as Petitioner can demonstrate compliance with Section 113(d)(1)(D) of the Clean Air Act regarding dates of compliance with Rules 203(a) and 204(f)(2)(B)(i) of the Board's Air Pollution Control Regulations.

Stanadyne/Chicago Division, a division of Stanadyne, Inc., (Stanadyne) filed a petition for variance for its facility in Bellwood, Illinois on June 14, 1979. The Illinois Environmental Protection Agency (Agency) filed its recommendation in this matter on October 9, 1979. No hearing was held, and the Board has received no public comment.

Section 35 of the Illinois Environmental Protection Act (Act) requires that variances from the Board's Air Pollution Control Regulations must be granted consistent with the Clean Air Act Amendments of 1977. Section 113(d)(1)(D) of the Clean Air Act allows the Board to extend a final compliance date to July 1, 1979 or three years after the date specified in the SIP. On January 4, 1979 the Board, in PCB 78-267, extended the date of compliance to July 1, 1979, more than two months after the date Petitioner had requested.


On June 22, 1979 the Board ordered Petitioner to file a legal memorandum arguing the Board's authority to grant Petitioner a variance beyond July 1, 1979, subject otherwise to a dismissal of the petition for inadequacy. Petitioner has demonstrated to the satisfaction of the Board that denial of

the petition would impose an arbitrary or unreasonable hardship as defined in Section 35 of the Act. However, Petitioner has not convinced the Board that the status of the State Implementation Plan has changed due to the submission of the SIP revisions to the U.S. Environmental Protection Agency by the Illinois Environmental Protection Agency earlier this year.

The Board finds that Petitioner must demonstrate compliance with Section 113(d) of the Clean Air Act in order for any variance granted herein to have any practical effect. The Board finds further that Petitioner has not adequately demonstrated such compliance. The Board must find that although Petitioner has met his burden under the laws and regulations of the State of Illinois, it is constrained to deny a variance in this case by the phrase in Section 35 of the Act which requires variances to be granted consistent with the Clean Air Act Amendments of 1977.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 15th day of November, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board