

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

DEL MONTE CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 75-415
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin):

The Petition for Variance in this matter was filed on October 24, 1975. That section of the Petition seeking relief from the organic material emission standards is inadequate in light of Train v. N.R.D.C., 43 U.S.L.W. 4467 (U.S., April 16, 1975). The Train case requires that, before a Variance may be granted, it must be shown that such grant will not interfere with the attainment or maintenance of the National Ambient Air Quality Standards. The Petition does not address these requirements. See, King-Seeley Co. v. EPA, PCB 75-159 (April 24, 1975) (Interim Order of the Board); Great Lakes Carbon Corp. v. EPA, PCB 75-85 (May 22, 1975).

It is the Order of the Board that Petitioner shall amend its Petition within 45 days of the date of this Order to provide the further showing required under the Train case. Failure to timely file the Amended Petition shall cause the Petition to be dismissed without prejudice, for inadequacy. The 90-day decision period set by statute shall run from the date of filing of the Amended Petition.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 30th day of October, 1975 by a vote of 4-0.


Christian L. Moffett, Clerk
Illinois Pollution Control Board