

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1975

CONTINENTAL CAN COMPANY, INC.,)
 Metals Division,)
 Petitioner,)
)
 v.) PCB 75-199
)
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

INTERIM OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon Continental Can Company's (Can) May 13, 1975 petition for a variance from Rule 205(F) of the Air Pollution Control Regulations.

It is the Board's opinion that the petition is inadequate. Petitioner fails to state the permit requirements from which it seeks a variance. In addition, Petitioner has no information pertaining to the criteria required by Train v. NRDC, Inc., 43 USLW 4467 (Supreme Court No. 73-1742 April 16, 1975). Petitioner must show: 1) Whether the ambient air quality of the area affected by the variance meets the national ambient air quality standards as adopted by the Board; 2) If the ambient air quality does not meet those standards, whether the granting of the variance would contribute to the area's failure to meet said standards; and 3) If the ambient air quality does meet said standards, whether the variance would cause the ambient air quality to fail to meet said standards.

It is the order of the Board that Petitioner shall amend its petition within 45 days of this Order to provide the above described information. Failure to timely file the amended petition shall cause the petition to be dismissed for inadequacy without prejudice. The 90-day decision period set by Statute shall run from the date of filing the amended petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of May, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board