

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1975

CATERPILLAR TRACTOR COMPANY,)
 Petitioner,)
)
 v.) PCB 74-484
)
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

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


Petitioner's waiver of the 90-day decision rule pertaining to variances was received by the Pollution Control Board (Board) May 28, 1975. The Petitioner thereby waived its right to a 90-day decision for a period not to exceed 30 days from the date transcripts of the hearings are received.

The Board feels constrained to point out the Supreme Court decision of Train v. NRDC, Inc., 43 USLW 4467 (U.S. No. 73-1742, April 16, 1975) to the Petitioner. The hearing transcripts must show 1) Whether the ambient air quality of the area affected by the variance meets the national ambient air quality standards; and 2) If the ambient air quality does not meet these standards, whether the granting of the variance would contribute to the area's failure to meet such standards; and 3) If the ambient air quality does meet such standards, whether the variance would cause the ambient air quality to fail to meet such standards.

If the record does not contain said information, the variance petition will be dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 29th day of May, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board