

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1975

CITY OF MASCOUTAH,)
Petitioner,)
)
v.) PCB 74-281
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the City of Mascoutah's (Mascoutah) July 25, 1974 variance petition and the September 11, 1974 amendment thereof. Mascoutah seeks a variance from Section 9(a) of the Environmental Protection Act, Rules 103(b) and 104 of the Air Pollution Regulations, Rule 3-3.112 of the Illinois Air Pollution Control Board Rules and Regulations and paragraphs 2(a) and 2(b) of the Order entered January 16, 1973 in PCB 72-219 as they apply to its No. 2 boiler. The variance is sought for a one year period.

It is the Board's opinion that, due to certain deficiencies in the petition and record, the variance must be denied. Neither the record nor the petition contain any information concerning the environmental impact of granting the variance. The Supreme Court Opinion in Train v. NRDC, Inc., 43 USLW 4467 (Supreme Court No. 73-1742, April 16, 1975) sets forth certain criteria which must be met before a variance beyond July, 1975, may be granted. Petitioner must show: 1) Whether the ambient air quality of the affected area meets the primary and/or secondary ambient air quality standards; 2) If the affected area does meet those standards, whether the granting of the variance would cause the area to fail to meet those standards; and 3) If the affected area does not meet the standards, whether the grant of said variance would contribute to the area's failure to meet said standards.

In addition, Petitioner's record lacks any semblance of a compliance plan for its No. 2 boiler, which is required prior to Board approval of any variance from the regulations.

It is the Order of the Board that the City of Mascoutah's variance petition be and hereby is dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 6th day of June, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board