

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1975

JOHN BERG MANUFACTURING CO.)
)
 Petitioner,)
)
 v.)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

PCB 75-225

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

A Petition for Variance was received by the Board from the John Berg Manufacturing Co. on June 2, 1975. That Petition is deficient in several respects.

First, although the Petition apparently seeks a Variance from the Air Pollution Regulations, it nowhere states which section or sections of those rules the Variance is sought from. Secondly, the Petition fails to set out the quantity, or even the types of pollutants which would be emitted were the Variance granted. Third, the Petition fails under the recent Train decision to state whether a grant of this Variance would effect achievement or maintenance of National Ambient Air Quality Standards with regard to whatever pollutants the petition is sought with regard to. Train v. NRDC, 43 U.S.L.W. 4467 (U.S., April 16, 1975).

For the reasons stated above, the Petition in this matter is inadequate. An Amended Petition shall be filed with the Board within 45 days of the date of this Interim Order correcting those deficiencies. Failure to timely file such an Amended Petition shall render this matter subject to dismissal for inadequacy. The 90 day decision period set by statute shall run from the date of filing of such Amended Petition.

IT IS SO ORDERED.

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

Christan L. Moffett
Christan L. Moffett, Clerk
ILLINOIS POLLUTION CONTROL BOARD