

ILLINOIS POLLUTION CONTROL BOARD  
June 26, 1975

FEDERAL PAPER BOARD CO., INC. )  
Petitioner, )  
v. ) PCB 75-247  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

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

The Petition for Variance in this matter was filed on June 20, 1975. It seeks relief from Rules 203(g) and 204(c) of the Air Pollution Regulations. The Variance from Rule 203(g) is sought until July 31, 1975, and that from Rule 204(c) is sought for a period of one year.

That section of the Petition seeking relief from the sulfur dioxide standards is inadequate in light of the recent decision 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. With regard to sulfur dioxide, petitioner merely quotes the following language: "Although there are little sulfur dioxide data for rural areas, the annual ambient air quality standard for sulfur dioxide is quite likely not being violated." Petitioner then also claims that its emission source is located in a rural area, although that area is classified, under the Air Pollution Regulations, as part of the Chicago Major Metropolitan Area. This is insufficient under the Board's interpretation of the Train case; a further showing is required.

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 for inadequacy without prejudice. The 90-day decision period set by statute shall run from the date of filing of the Amended Petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 26<sup>th</sup> day of June, 1975 by a vote of 4-0.

Christan L. Moffett (gn)  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board