

ILLINOIS POLLUTION CONTROL BOARD
April 24, 1975

INTERCRAFT INDUSTRIES CORPORATION,)
) Petitioner,)
))
) v.) PCB 75-163
))
ENVIRONMENTAL PROTECTION AGENCY,)
) Respondent.)

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

This matter comes before the Pollution Control Board (Board) on Intercraft Industries Corporation's petition for a variance from Rule 205(f)(1) of the Air Pollution Control Regulations.


As more fully explained in today's King Seeley Co. v. E.P.A. (75-159) Order, the Board is of the opinion that the United States Supreme Court decision of April 16, 1975, entitled Train v. N.R.D.C. et al, 43 LW 4467, requires additional information be made available to the Board where an air variance petition seeks a revision beyond July of 1975.

In order for an air variance petition to minimally meet the standards of Procedural Rule 401(c), the following, in addition to the information previously required, must be included in the variance petition: 1) a showing by petitioner as to whether the ambient air quality of the area effected by the variance meets the national ambient air quality standards as adopted by the Board; and 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 such 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. Any petition which does not contain said information will be subject to dismissal without prejudice for inadequacy.

The petition filed herein on April 17, 1975 is inadequate as it failed to include the above described information. Petitioner shall amend its petition within 45 days to provide this information. Failure to timely file the amended petition with the Board and Agency shall make the petition subject to dismissal for inadequacy. 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 the above Order was adopted on the 24th day of April, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board