



"8 weeks to prepare general arrangement drawings.  
2 weeks to check and approve drawings.  
12 weeks for fabrication and delivery.  
8 weeks for erection of equipment.  
4 weeks for shakedown and start up.  
34 weeks total"

Petitioner stated that "using the week of March 3 as the first week this would give us an on-stream schedule the week of October 27, 1975."

We grant the motion to the extent that we shall extend the grant of the variance from June 30, 1975, through July 31, 1975. Until April 15, 1975, the submitted data would have allowed the Board to decide whether a longer extension of the variance should be granted. However, on that date, the United States Supreme Court announced its decision in Train v. Natural Resources Defense Council 43 LW 4467 (April 15, 1975). In that Opinion the Court ruled that states can grant variances from their Implementation Plans provided that national primary ambient air quality standards are not violated. Pursuant to Section 110(a) of the Amended Clean Air Act of 1970, 42 U.S.C. Section 1857c-5(a)(3), data must be brought forth to establish compliance with the applicable standards. No such data have been submitted; therefore, the Board cannot extend this variance beyond July 31, 1975.

ORDER

The Board's Order of February 15, 1975, is amended, in pertinent part, to read " . . . Joslyn Manufacturing and Supply Company is granted a variance from Rule 203(a) of the Air Pollution Regulations from November 14, 1974, to and including July 31, 1975, . . ." The four conditions to the grant of that variance shall remain in full force and effect.

IT IS SO ORDERED.

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8<sup>th</sup> day of May, 1975, by a vote of 4-1

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board