

ILLINOIS POLLUTION CONTROL BOARD
May 8, 1975

CPC INTERNATIONAL, INC. (Bedford)
Park Plant),)
 Petitioner,)
))
 vs.) PCB 75-175
))
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)
)

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

The Petition for Variance in this matter was filed April 25, 1975; it seeks an extension of a prior Variance from the particulate standards of the Board's Air Pollution Regulations for Petitioner's Bedford Park plant. The extension is sought until August 30, 1976.

The Petition in this matter, (at para. 10), states that the grant of the Variance requested "will not have a negative impact on the environment". Such a statement is insufficient to fulfill the requirement now in effect generally for air variances requested before this Board. Those requirements are the results of the U.S. Supreme Court's recent decision in Train v. N.R.D.C., 43 U.S.L.W. 4467 (U.S., Apr. 16, 1975).

Under the Train decision, the Board cannot grant air variances past July 31, 1975, absent a showing that such a grant will not result in a violation of the national primary ambient air quality standards, or a showing that such a grant will not result in a failure to maintain such standards if they have already been achieved. The statement quoted above is insufficient to meet that requirement. See, King-Seeley Co., Thermos Div. v. EPA, PCB 75-159 (April 24, 1975).

Petitioner shall amend its Petition within 45 days of this Order to provide a showing that the factors cited above have been satisfied. Failure to timely file the Amended Petition with the Board and Environmental Protection Agency shall render the Petition herein subject to dismissal for inadequacy. The 90-day decision period set by statute shall run from the date of filing of the additional information required by this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Interim Order of the Board was adopted on the 8th day May, 1975 by a vote of 5 to 0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board