ILLINOIS POLLUTION CONTROL BOARD May 8, 1975

CPC INTERNATIO Plant),	ONAL, INC., (P	ekin)	
. ,	Petitioner,)	
	v.	,)	PCB 75-176
ENVIRONMENTAL	PROTECTION AGE Respondent.	NCY,)	

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

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

Under the recent decision of Train v. N.R.D.C., 43 U.S.L.W. 4467 (U.S., Apr.16, 1975), this Board cannot grant air variances absent a showing that such a grant will not result in a violation, either caused or contributed to by Petitioner's emissions, of the national primary ambient air quality standards. See, King-Seeley Co., Thermos Div. v. EPA, PCB 75-159, (April 24, 1975). Although Petitioner states, (at para. 16 of its Petition), that "granting of the variance will not have an undue negative impact on the environment", that statement is insufficient to meet the requirements imposed by the Train decision.

It should also be noted that Petitioner cites the Board's prior Opinion with respect to this Variance, PCB 74-23 (June 6, 1974).

Petitioner states that the Board's discussion there of the Pekin plant's effect on the Primary ambient air quality standards with respect to particulates remains valid. Conditions, Petitioner states, have remained unchanged. The Board's discussion in that matter, unfortunately, indicated possible violation of the Primary ambient air quality standards.

For the above reasons, the instant Petition to extend Variance is insufficient. Petitioner shall amend the Petition herein within 45 days to provide the necessary showing as to ambient air quality under the <u>Train</u> decision. Failure to timely file the Amended Petition with the Board and the 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.

Christan L. Moffett, Clerk
Illinois Pollution Control Board