

ILLINOIS POLLUTION CONTROL BOARD
May 22, 1986

NESCO STEEL BARREL)
COMPANY,)
)
Petitioner,)
)
v.) PCB 84-81
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On May 12, 1986, Nesco Steel Barrel Company (Nesco) filed a Second Amended Petition for variance which, in essence, recedes from its earlier proposed compliance plans. Instead, the Nesco's Second Amended petition includes a request for variance from the requirements of 35 Ill. Adm. Code 215.212 to file a compliance plan and project completion schedule, as well as variance from the applicable emission limitations of 35 Ill. Adm. Code 215.204 (j) and 215.211.

While the Board recognizes the present financial difficulties Nesco is experiencing, the petition nevertheless is deficient in a number of respects:

1. The Board has, in certain instances, granted short term variances so that information necessary to formulate and schedule a compliance plan can be gathered. However, this petition lacks a) sufficient specificity, in terms of increments of progress or time-related plans for testing and selecting a compliance strategy for exterior coatings, and b) any commitment to address in any fashion, including changed financial circumstances, compliance related to interior coatings.

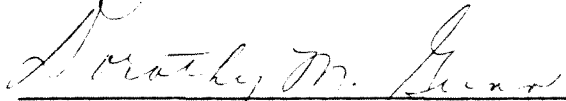
2. The petition fails to address the Board's General Provision regarding variances generally in 35 Ill. Adm. Code, Subpart B, and particularly Section 104.122(a).

Unless an amended petition is filed within 45 days curing the above-noted defect, this matter will be subject to dismissal.

The Board also requests that the impact of the December 31, 1987 Clean Air Act compliance deadline be addressed either in the third amended petition or at the required hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22nd day of May, 1986, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board