

ILLINOIS POLLUTION CONTROL BOARD  
June 3, 1976

CATERPILLAR TRACTOR CO., )  
 )  
Petitioner, )  
 )  
v. ) PCB 76-131  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

The Variance Petition filed May 7, 1976, is inadequate in the following respects:

1. Petitioner's allegation of hardship is inadequate; the bare assertion that hardship exists is insufficient.

2. The Petition fails to show a compliance plan; either such a compliance plan should be shown, or the inapplicability of the compliance plan requirement should be discussed.

In addition, it is not clear that Petitioner is seeking the proper relief in this Variance Petition. Paragraph 4 of the Petition questions the validity of the information requirements of the Environmental Protection Agency, giving indication that the proper form of relief may be a Permit Appeal.

It is the Order of the Board that Petitioner amend its Petition within 45 days of the date of this Order to provide the above described information or, in the alternative, file a Petition for Permit Appeal in the matter. Failure to comply with this Order shall cause the instant Petition to be dismissed without prejudice for inadequacy. The 90-day decision period set by statute shall run from the date of filing of the Amended Petition, should Petitioner so file.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 3<sup>RD</sup> day of June, 1976, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board