

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1975

AMCO ENGINEERING COMPANY,)
 Petitioner,)
)
 v.) PCB 75-134
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
 Respondent.)

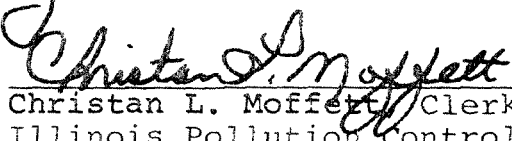
ORDER OF THE BOARD (by Mr. Zeitlin):

On July 9, 1975, the Board received a further Amendment to Petitioner Amco Engineering Company's Amended Petition for Variance of May 16, 1975. This further Amendment was submitted by Amco in response to the Board's Interim Order of May 29, 1975, requiring a showing that a grant of the Variance requested by Amco would not result in a violation of the National Ambient Air Quality Standards, or a failure to maintain those standards, as is required under the U.S. Supreme Court recent decision of Train v. Natural Resources Defense Council, 43 U.S.L.W. 4467 (U.S., April 16, 1975).

The further Amendment submitted by Amco does not adequately respond to the Board's May 29, 1975 Interim Order. As amended, Amco's Petition for Variance fails to make the showing which this Board has determined to be required under the Train decision. Due to the length of time which has elapsed since the original submission of Amco's first Variance Petition, the Board is of the opinion that it would serve no purpose to require further information. Instead, Amco's Petition, as amended, will be dismissed without prejudice; Petitioner is invited to resubmit a new Variance Petition which will satisfy the requirements of the Train decision.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of July, 1975 by a vote of 5 to 0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board