

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1975

LINCOLN DEVELOPMENT CENTER,)
)
 Petitioner,)
)
 v.) PCB 75-430
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Dumelle):

Petition filed November 4, 1975 is inadequate in that the record of the prior variance petition (PCB 74-438) is not specifically stipulated into this proceeding. Furthermore, to the extent that the prior record was deficient in light of the Board's interpretation of the Train v. NRDC (43 LW 4467 (April 15, 1975)) case it should be supplemented by whatever showing is necessary to prove that a violation of the ambient air quality standards will not occur.

Petitioner shall amend its Petition within 45 days and file with the Board and the Agency the information necessary to show that the grant of the variance will not result in a violation of ambient air quality standards. The Petitioner shall also waive the 90-day decision period set by statute to run from the date of filing the amended petition.

Failure to timely file the Amended Petition shall make the Petition liable to dismissal for inadequacy.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6th day of November, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board