

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1975

CANDY AND COMPANY, INC.,)
 a corporation,)
 Petitioner,)
)
 v.) PCB 75-422
)
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon the October 30, 1975, Petition for Variance of Candy and Company, Inc. (Candy).

Candy seeks variance from unspecified sections of the Air Regulations for emergency use of its low pressure stoker fired coal boiler. The Board does not grant variances for use in emergency situations as the variance procedure was not intended to excuse remote possibilities of violations of the regulations. Galesburg State Research Hospital v. EPA, PCB 75-198 (1975); Manteno State Hospital v. EPA, PCB 74-352 (1974); Stein Hall and Company v. EPA, PCB 73-561.

As Petitioner seeks variance for emergency periods only, the Board must dismiss its Petition.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that Candy and Company, Inc.'s Petition for Variance be and is, hereby, dismissed without prejudice.

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


Christan L. Moffett, Clerk
Illinois Pollution Control Board