

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1975

JACKSONVILLE MENTAL HEALTH)
AND DEVELOPMENTAL CENTER,)
DEPARTMENT OF MENTAL HEALTH,)
)
Petitioner,)
v.) PCB 75-451
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

The Petition for Variance in this matter was filed on November 26, 1975. That section of the Petition seeking relief from the particulate emission standards is inadequate in light of Train v. N.R.D.C., 43 U.S.L.W. 4467 (U.S., April 16, 1975). The Train case requires that before a Variance may be granted, it must be shown that such grant will not interfere with the attainment or maintenance of the National Ambient Air Quality Standards. The Petition does not address these requirements. See, King-Seeley Co. v. EPA, PCB 75-159 (April 24, 1975) (Interim Order of the Board); Great Lakes Carbon Corp. v. EPA, PCB 75-85 (May 22, 1975).

Further, the instant Petition is wholly inadequate, for failure to conform with Procedural Rule 401, concerning Variance Petitions. While the Petition refers to a prior decision, (PCB 74-356), Petitioner has failed to stipulate to or include by reference in the instant Petition the record in that or any other case, which would here cure the defect under Rule 401.

It is the Order of the Board that Petitioner shall amend its Petition within 45 days of the date of this Order to provide the further showing required under the Train case, and cure the other procedural defects under Procedural Rule 401. Failure to timely file the Amended Petition shall cause the 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.

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 4th day of December 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board