ILLINOIS POLLUTION CONTROL BOARD
December 4, 1975

CITY OF FAIRFIELD, ILLINOIS, Petitioner,	)	
v.	)	PCB 75-456
ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

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

The Petition for Variance in this matter was filed on December 1, 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, under Board Procedural Rule 401 (vi)-(ix), a Variance Petition must clearly show a definite plan for compliance with the Board Regulation or Regulations from which a Variance is sought. The instant Petition fails to conform with those portions of Procedural 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 cure the defects noted above. 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