

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1975

DEERE AND COMPANY,)
Petitioner,)
)
v.) PCB 74-469
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) on Deere and Company's (Deere) petition for a variance from Rule 203(a) of the Air Pollution Control Regulations.

The Board is of the opinion that the United States Supreme Court decision of April 16, 1975, entitled Train v. NRDC et al, 43 LW 4467, requires additional information be made available to the Board where an Air Variance Petition seeks a revision beyond July of 1975.

Although Exhibit 5, entitled The Central Illinois Intra-State Air Quality Control Region 66, indicates Region 66 (which includes the Vermillion County location of Deere's foundry), has met the primary air quality standards in 1973, there is no data indicating that the local air quality meets the national ambient air quality standards. In order for an air variance petition to minimally meet the standards of Procedural Rule 401(c), the following, in addition to the information previously required, must be included in the variance petition: 1) A showing by Petitioner as to whether the ambient air quality of the area affected by the variance meets the national ambient air quality standards; 2) If the ambient air quality does not meet these standards, whether the granting of the variance would contribute to the area's failure to meet such standards; and 3) If the ambient air quality does meet such standards, whether the variance would cause the ambient air quality to fail to meet such standards. Any petition which does not contain such information will be subject to dismissal without prejudice for inadequacy.

The petition filed herein on December 13, 1974, is inadequate as it failed to include the above-described information. Petitioner shall amend its petition within 45 days to provide this information. Failure to timely file

the amended petition with the Board and Agency shall cause the petition to be dismissed for inadequacy. Any facts alleged in an amended petition shall be sworn to by means of a verified amendment. The Agency shall have 15 days subsequent to any amendment to file a response thereto. Deere has issued an open waiver of its rights under Section 38 of the Act.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 29th day of May, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board