

ILLINOIS POLLUTION CONTROL BOARD  
June 6, 1975

MIDWEST METALS, INC., )  
Petitioner, )  
 )  
v. ) PCB 75-231  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

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

This matter comes before the Pollution Control Board (Board) upon petition of Midwest Metals, Inc., for variance from Rules 103(a) and 103(b) of the Air Pollution Control Regulations.

The petition is inadequate in that it fails to include information pertaining to the criteria required by Train v. NRDC, Inc., 43 USLW 4467 (Supreme Court No. 73-1742, April 16, 1975). Petitioner must show: 1) 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 those standards, whether the granting of the variance would contribute to the area's failure to meet said standards; and 3) If the ambient air quality does meet said standards, whether the variance would cause the ambient air quality to fail to meet said standards.

It is the Order of the Board that Petitioner shall amend its petition within 45 days of this Order to provide the above described information. Failure to timely file the amended petition shall cause the petition to be dismissed for inadequacy without prejudice. The 90-day decision period set by Statute shall run from the date of filing the amended petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6<sup>th</sup> day of June 1975 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board