

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1989

IN THE MATTER OF:)
)
ELIZABETH STREET FOUNDRY, INC.) AS 89-2
an Illinois corporation,)
)
Petitioner.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a June 30, 1989 filing of an adjusted standard petition by Elizabeth Street Foundry, Inc. ("Petitioner"). While the petition conforms generally to the requirements of the recently adopted procedures (R88-5(A), June 8, 1989), Petitioner's response to Number H is inadequate and the Board requires additional information.

35 Ill. Adm. Code 106.705(h) requires:

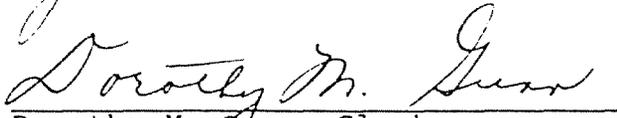
"A statement which explains how the petitioner seeks to justify, pursuant to the applicable level of justification, the proposed adjusted standard."

In response, Petitioner states that there is no applicable level of justification. While it may be true that the regulation of general applicability does not specify a level of justification for an adjusted standard, Section 28.1(c) of the Environmental Protection Act (Act), Ill. Rev. Stat. ch. 111 1/2, par. 1028.1(c), does. The Board also notes that new procedural rule Section 106.903 restates the level of justification required for an adjusted standard where the regulation of general applicability does not so state.

Unless an amended petition is filed within 45 days of the date of this Order, this petition will be subject to dismissal for deficiency.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 13th day of July, 1989 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board