

ILLINOIS POLLUTION CONTROL BOARD
April 20, 1995

IN THE MATTER OF:)
)
PETITION OF TOMMY HOUSE TIRE) AS 95-1
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard - Land)
35 ILL. ADM. CODE 848.202)

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a motion for clarification filed by petitioner Tommy House Tire (Tommy House). Tommy House seeks clarification of the Board March 9, 1995 order finding its petition for adjusted standard deficient. Tommy House also seeks a thirty-day extension of the April 10, 1995 deadline for filing an amended petition established in the Board's March 9, 1995 order. Both motions are hereby granted.

In the March 9, 1995 order, the Board found that the petition for adjusted standard failed to satisfy the requirements of 35 Ill. Adm. Code 106.705(e), in that the petition failed to include a description of the efforts that would be necessary to comply with the regulation of general applicability, or a description of compliance alternatives, or cost information. Furthermore, the petition failed to satisfy the requirements of 35 Ill. Adm. Code 106.705(f), in that it failed to provide a narrative description of the proposed adjusted standard. The Board also directed petitioner to submit for the Board's review the program plan it anticipates developing to satisfy the Alternative Management Standards set forth at Section 848.206(a)(3) and (c)(3), including, but not limited to, information concerning tire storage arrangements, aisle space, access to fire fighting personnel and equipment, and mosquito inspection and control.

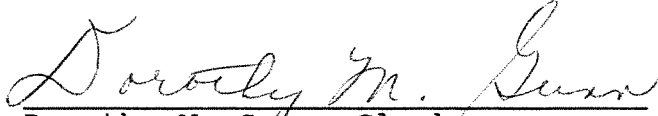
The Board does indeed anticipate that petitioner will present to the Board this missing information concerning the specific requirements it proposes for its site. Petitioner is correct; the Board is requiring that petitioner submit this information to the Board a priori, so that the Board can determine whether the discretionary language which petitioner proposes as an adjusted standard will be appropriate for its site. This will not affect petitioner's obligation to submit such information to the Illinois Environmental Protection Agency and the Department of Health under the proposed adjusted standard.

Petitioner is directed to file an amended petition on or before May 10, 1995, curing the petition's deficiencies identified in this order and the Board's order of March 9, 1995.

Failure to file an amended petition by this date will subject this matter to dismissal.

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 20th day of April, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board