

ILLINOIS POLLUTION CONTROL BOARD
May 5, 1988

ABBOTT LABORATORIES,)
)
 Petitioner,)
)
 v.) PCB 88-78
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a Petition For Variance filed by Abbott Laboratories on May 2, 1988. The Board must note its confusion with certain aspects of this petition. First, Abbott requests variance "from certain of the rules recently adopted" until December 31, 1991. Then Abbott requests the Board to grant it variance from Section 215.480(a) by "eliminating the requirement that the Section still applies if the emissions from a single source exceed 100 lbs/day." It appears by this language that Abbott is requesting that the rule be changed, not that a variance be granted from the rule. If this is indeed the case, the Board notes that a Petition For Variance is not the proper means by which to effectuate a rule change. Before the Board can consider accepting this petition, Abbott must clarify its request.

Second, Abbott's Petition is unclear as to the information required by Section 104.121(f), i.e., a detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Act and regulations. Abbott states that:

"Abbott does not believe that it should be required to add any new control equipment. Rather, Abbott believes that it has demonstrated that its present control strategy represents RACT and that it is entitled to a site-specific rule which would grant permanent relief similar to the temporary relief requested herein. However, Abbott understands that the Board cannot presume that such relief will be granted, and if it is denied, Abbott believes that installation of the prescribed control equipment within twenty months of denial."
(Petition for Variance PCB 88-78, P. 9).

The Board does not understand this language. Abbott must clarify what it proposes to do to achieve full compliance during the period of any variance granted.

Unless an amended petition is filed within 45 days of the date of this Order, this matter will be subject 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 5th day of May, 1988 by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board