

ILLINOIS POLLUTION CONTROL BOARD
May 22, 1975

WALWORTH COMPANY,)
)
Petitioner,)
)
v.) PCB 75-206
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

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

The Petition for Extension of Variance in this matter was received by the Board on May 16, 1975. Petitioner Walworth Company, Kewanee Division, requested an extension of a prior Variance granted by this Board on December 19, 1974, in PCB 74-197. That Variance, from the requirements of Rule 203(b) of the Air Pollution Control Regulations, extends presently until June 30, 1975. Petitioner here seeks an extension until September 15, 1975, alleging unavoidable delays.


As was noted at page 8 of the Board's Opinion in the prior case, PCB 74-197, Walworth's schedule of compliance called for meeting the standards of Rules 203(b) at a date after which the State of Illinois has committed itself to achieving the National Ambient Air Quality Standards. As this Board has noted previously, we are constrained to deny Variances which will extend beyond July 31, 1975, due to the recent United States Supreme Court decision of Train v. Natural Resources Defense Council, 43 U.S.L.W. 4467 (April 16, 1975). See, King-Seeley Co. v. EPA, PCB 75-159 (April 24, 1975, Interim Order of the Board); Great Lakes Carbon Corp. v. EPA, PCB 75-85 (May 22, 1975). Petitioner here has made no showing that a grant of this Variance Extension would not lead to a violation of the national ambient air quality standards, or to a failure to maintain those standards.

For the reasons cited above, the Petition for Extension of Variance filed May 16, 1975, is inadequate. Petitioner shall, within 45 days, file an Amended Petition with the Board correcting such deficiencies. Failure to timely file such an Amended Petition shall render the Petition herein

subject to dismissal for inadequacy. Ninety day decision periods set by statute shall run from the date of filing of the Amended Petition required by this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Interim Order was adopted on the 22nd day of May, 1975 by a vote of 5 to 0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board