

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1975

CITY OF CARLYLE, ILLINOIS,)
 Petitioner,)
)
 v.) PCB 75-165
)
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon the City of Carlyle, Illinois' (Carlyle) petition for a variance from Section 9(a) of the Act and Rules 102, 103(b)(2), 104, 3-3.112, 203(g)(1)(B), 203(i)(4), 204(c)(1)(A), and 204(h)(2) of the Board's Air Pollution regulations as applied to Carlyle's Coal Fire Boiler #1.

Petitioner has failed to include a compliance plan for its "contingent" boiler in its petition as provided in Rule 401(a)(1) of the Procedural Rules of the Pollution Control Board. In addition, the petition fails to show that there is any likelihood that the variance would be used if granted. See State of Illinois, Department of Health, Manteno State Hospital v. EPA, PCB 74-352 (1974). The petition must be denied.

It is the order of the Board that the petition of City of Carlyle, Illinois be denied and is hereby dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of May, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board

