

ILLINOIS POLLUTION CONTROL BOARD

July 10, 1975

ABITIBI CORPORATION, )  
Petitioner, )  
v. ) PCB 75-207  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

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

Petition for Variance, filed on May 19, 1975, seeks relief from Rule 205(f) and 103(b)(2) of The Air Pollution Regulations. The Variance is sought for one month, from May 30, 1975 to June 30, 1975. On June 30, 1975, Petitioner filed an Amended Petition requesting an additional six months Variance, or until December 30, 1975.

The Petition, seeking relief from the hydrocarbon emission limits, is inadequate in light of the recent decision of Train v. N.R.D.C., 43 U.S.L.W. 4467 (U.S. April 16, 1975). The Train case requires that, before Variance may be granted, it must be shown that such grant will not interfere with the attainment or maintenance of the National Ambient Air Quality Standards. The Amended Petition does not address these requirements. 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 states that while their hydrocarbon emissions discharged to the atmosphere is a significant level of emission from a given point source, it is insignificant in respect to the total amount of hydrocarbons released in the Chicago Metropolitan Area; and that the adverse effect on the public would be minimal. This is insufficient under the Board's interpretation of the Train case.

It is the Order of the Board that Petitioner shall amend its Petition within 45 days of the date of this Order to provide the further showing required under the Train case. Failure to timely file the second Amended Petition shall cause the Petition to be dismissed without prejudice, for reason of inadequacy. The 90-day decision period set by statute shall

run from the date of filing of the second Amended Petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 10<sup>th</sup> day of July, 1975 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board