

ILLINOIS POLLUTION CONTROL BOARD
August 7, 1975

QUALITY READY MIX CONCRETE COMPANY)
)
) Petitioner,)
)
) vs.) PCB 75-300
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

Petitioner has filed a short letter requesting "an extension on our burning permit for the waste wood from the demolition program of the Chicago Northwestern Transportation Railroad Company. We have been informed that this work will continue to January 1, 1976 and therefore would need an extension if possible". No further information is given.

We believe that Petitioner is actually seeking a variance from Rule 502(a) of the Air Pollution Control Regulations since the variance previously granted (PCB 75-73) expired July 31, 1975. However, that is not clearly stated and we must dismiss the petition for lack of compliance with our Procedural Rule 401. If the request is for a variance for the open burning of wood waste then we must also call the attention of Petitioner to that language in our prior Order which is set out below:


"Petitioner states that the disposal program should last about 90 calendar days. However, the record does not support any variance extending beyond July 31, 1975. The United States Supreme Court has recently ruled that the states can grant variances if such variances do not interfere with the attainment or maintenance of national ambient air quality standards (Train, Administrator, Environmental Protection Agency vs. Natural Resources Defense Council, Inc. No. 73-1742). Illinois is required

to attain the ambient air standards by July 31, 1975. This Board can grant individual variances beyond that date only if the variances do not interfere with the attainment and subsequent maintenance of national ambient air quality standards. There is no statement, testimony or data in this record which would indicate whether the grant of this variance would interfere with those air quality standards. Therefore, the variance must terminate on July 31, 1975.

If Petitioner chooses to submit a new petition for variance, such petition must address the air quality issue."

It is Ordered that the petition filed July 30, 1975 be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted the 7th day of August, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board