

The record in the instant case is not adequate to grant the requested variance. There are no data bearing on the quality of the ambient air which is affected by the petitioner's emissions. Nor is there any statement in the record indicating whether the grant of the variance would interfere with attainment or maintenance of ambient air quality standards. Therefore, the Board must dismiss the petition without prejudice.


If National Metalwares chooses to submit a new petition for variance, such petition must address the air quality issue since the Board will be interested in determining whether the variance is allowable under the recent U.S. Supreme Court decision.

ORDER

Petition for variance by National Metalwares, Inc. is 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 22nd day of May, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board