

ILLINOIS POLLUTION CONTROL BOARD
May 8, 1975

YORK DIVISION, BORG WARNER CORP.,)
Petitioner,)
v.) PCB 75-167
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

The Petition for Variance in this matter was filed on April 23, 1975; it seeks a Variance until May 31, 1976 for Petitioner's Decatur facility. The Variance is sought with respect to the requirements of Rule 204(c)(2)(A) of the Board's Air Pollution Regulations.

In the recent case of Train v. N.R.D.C., 43 U.S.L.W. 4467 (U.S., April 16, 1975), the Supreme Court mandated that air variances generally not be granted where such grants will result in the violation of, or the failure to maintain, the national primary ambient air quality standards. See, King-Seeley Co., Thermos Div. v. EPA, PCB 75-159 (April 24, 1975) (Interim Order of the Board). The instant Petition is inadequate insofar as it fails to make any showing that the ultimate grant of the requested Variance would not result in a violation of the Supreme Court's mandate in the Train decision.


At page two of its Variance Petition, Petitioner states that "the environmental impact is minimized with out plant being located on the extreme south side of Decatur (away from other heavy industry)..." That statement, taken alone, is insufficient under the Train decision.

For the reasons stated above the instant Petition is inadequate. Petitioner shall amend its Petition within 45 days of this Order to provide a showing that the requirements of the Train decision have been satisfied. Failure to timely file the Amended Petition with the Board and the Environmental Protection Agency shall render the petition herein subject to dismissal for inadequacy. The 90-day

decision period set by statute shall run from the date of filing of the additional information 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 of the Board was adopted on the 8th day of 11th, 1975 by a vote of 5 to 5.


Christan L. Moffett, Clerk
Illinois Pollution Control Board