

ILLINOIS POLLUTION CONTROL BOARD
May 8, 1975

AMERICAN FOUNDRY AND MFG. CO.,)
Petitioner,)
)
)
v.) PCB 75-155
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

ORDER OF THE BOARD (by Dr. Odell)

On April 14, 1975, the American Foundry and Mfg. Co. filed a Petition For Variance with the Illinois Pollution Control Board (Board). The following necessary information was not contained in the Petition:


1. The Rules from which the variance was sought.
2. A compliance program. Petitioner indicated it was investigating possible methods of compliance but plans presently under consideration were too expensive to be implemented.
3. The relationship between the Petitioner's plant in Salem, Illinois and the corporation, headquartered in St. Louis, Missouri. Petitioner indicated that its present operations are not profitable. It is unclear whether this applies to the corporation generally or also includes the Salem plant.
4. Recent test data. The 1970 test data submitted are too outdated to give the Board reliable information on present emissions.
5. Information on the ambient air quality for particulates for the Salem area. In Train v. Natural Resources Defense Council 43 LW 4467 (April 15, 1975) the United States Supreme Court ruled that variances can be granted provided federal ambient air quality standards are not violated. Data showing compliance with the particulate standards must be submitted to the Board.

While the Board has discretionary power to order more information to be filed in cases in which inadequacies can be easily cured, the omissions in the subject Petition For Variance are substantial enough that dismissal is warranted. Petitioner can file another petition which complies with Rule 401 of the Procedural Rules and meets applicable federal requirements.

Petition For Variance is dismissed without prejudice for lack of information.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8th day of May, 1975, by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board