

In addition to the 404(f) variance, the original order also granted a variance from Rule 404(b) until November 23, 1972. The Agency, in its recommendation does not believe that MSD has fully complied with the conditions of that variance but notes that since November 28, 1972, all plant flows are being directed to the newly constructed aerobic lagoon except for storm bypass flow which is being diverted directly to the final quiescent lagoon. Though the 20/25 standard of 404(b) has not yet been met, the Agency believes that MSD has displayed commendable diligence in complying with the Board's order.

The Agency recommends granting the extension of the 404(f) variance subject to the following conditions, to which we agree:

- 1) That MSD shall continue to file quarterly reports with the Agency; and
- 2) That MSD operate its plant in such manner as to comply with the standards of Rule 404(b), or else file a petition for variance from 404(b) and be granted such variance.

We will add the condition that the bond shall continue in force and effect but shall be reduced to \$200,000. This extension is until May 23, 1974.

This opinion constitutes the Board's findings of fact and conclusions of law.

IT IS SO ORDERED.

Mr. Seaman did not participate in the discussion or decision.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of May, 1973 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board