

ILLINOIS POLLUTION CONTROL BOARD
April 10, 1975

MINNESOTA MINING AND MANUFACTURING COMPANY,)
)
) Petitioner,)
)
) vs.) PCB 75-26
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Henss):

In People of the State of Illinois vs. Minnesota Mining and Manufacturing Company, PCB 74-225, 3M agreed to upgrade its Magnetic Production Wastewater Treatment System by replacing existing chemical feedpumps and by installing an additional sludge pump and two sample pumps. It was anticipated that pumps would be received at the facility in September 1974. Petitioner now requests variance from the Board Order which was entered in PCB 74-225 since the pump vendor has postponed delivery of the pumps until February 1975.

Paragraph D at page 31 of the Stipulation provides that: "3M's time for performance of any term of this Stipulation may be extended by the Board for good cause upon application by 3M after reasonable opportunity for People to respond to any such application". Because of the delay in pump delivery, Petitioner requests an extension of time "to coincide with the promised delivery dates" to complete the upgrading project.

The Agency believes that Petitioner has been delayed by circumstances beyond its control and that the request for an extension of time is for "good cause". According to the Agency the short extension of time will not affect the over-all performance of the compliance schedule. The EPA recommends the granting of variance until March 31, 1975.

The Board agrees that the delay was beyond the control of Petitioner and will grant the additional time to and including April 15, 1975 in order to provide some leeway for minor delays.

Petitioner is proceeding with design of facilities to implement the Long-Range Program. Permits for an outfall extension have been received from the Illinois Department of

Transportation and the Environmental Protection Agency. An application to the U. S. Corps of Engineers is pending. If the final permit is issued at a time of adverse weather and high water conditions, Petitioner speculates that it may be necessary to request a further extension of time.

We believe Petitioner was merely informing the Board and Agency of the possibility of such a request for extension and we do not construe the correspondence as a variance request for additional time to extend the outfall. Such a variance request would be premature at this time.

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

ORDER

It is the Order of the Pollution Control Board that Minnesota Mining and Manufacturing Company be granted an extension of time from the time schedule adopted in settlement of PCB 74-225 until April 15, 1975 for the purpose of installing pumps required by Item 8 of the Stipulation Agreement.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 10th day of April, 1975 by a vote of 4 to 0.

Christan L. Moffett