

ILLINOIS POLLUTION CONTROL BOARD  
August 29, 1974

VILLAGE OF BENSENVILLE )  
 )  
 )  
 v. ) PCB 74-151  
 )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )  
 )

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

The Village of Bensenville filed for variance from Rules 404(f), 921(d) and 1002 of the Water Pollution Regulations on April 25, 1974. The petition asks that the variance granted until May 3, 1974 in PCB 72-481 be extended to December 31, 1974. No public hearing was held.

The Board entered an order on May 2 requesting that the record in PCB 72-481 be stipulated to be included in this proceeding. This was done by the Village on June 5, 1974.

The Agency filed its recommendation on July 1, 1974. It believes that the variance request is moot because of Board adoption of Rule 409 (R73-3, July 19, 1973). Rule 409(a) postpones effluent standards of Rule 404(f) until December 31, 1974 which is the exact date requested in this proceeding. Thus no violation could occur and a variance could not be issued absent a violation.

Rule 409(a)(ii) automatically adjusts project completion schedules and thus variance from Rule 1002 is not necessary. Finally, Rule 921(d) was deleted by the Board and is thus not applicable.

The Board agrees with the Agency recommendation and dismisses the variance as moot.

ORDER

The variance is dismissed without prejudice as moot.

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 29<sup>th</sup> day of August, 1974 by a vote of 5-0.

  
Christan L. Moffett, Clerk