

tank, two final settling tanks, an effluent pump station, two chlorine contact-excess flow tanks, one sludge thickener, twenty sludge drying beds, and related appurtenances, with discharge to Salt Creek, tributary to the Des Plaines River.

On January 31, 1973, the Agency disapproved Petitioner's Project Completion Schedule since the schedule did not provide for compliance with Rule 404(c) by December 31, 1973.

Petitioner states quite frankly that it cannot realistically allege completion of its proposed project in compliance with Rule 404(c) by the deadline of Rule 1002(b)(ii). Petitioner requests an additional nine to twelve months.

Petitioner has received approval of its application for Federal grant funds under the provisions of the Federal Water Pollution Control Act. This \$1,527,290 grant is expressly conditioned upon beginning construction by June 1, 1973.

Petitioner asserts that the Federal deadline makes it impossible to proceed with a formal hearing for the variation requested, advertise for bids, and get approval of same by State and Federal Agencies by June 1, 1973.

The granting of the variance requested by this petition will, in no way, modify Petitioner's responsibility to meet all other requirements of the applicable regulations. It is the finding of the Board that insistence on compliance with Rule 921(d) will impede rather than further Petitioner's compliance with the necessary Regulations and would be in derogation rather than furtherance of the objectives of the Regulations. Accordingly, we grant the variation as requested and without hearing.

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

IT IS THE ORDER of the Pollution Control Board that the City of Elmhurst be granted a Variance without hearing from the filing date requirements of Sections 921(d) and 1002(b)(ii) of the Water Pollution Regulations.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 12th day of April, 1973, by a vote of 4 to 0.

Christan L. Moffett