

ILLINOIS POLLUTION CONTROL BOARD  
December 12, 1972

CITY OF LINCOLN )  
 )  
 ) #72-479  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

On December 21, 1971, in case entitled City of Lincoln v. Environmental Protection Agency, #71-295, a variance was granted to the City extending the SWB-14 compliance dates for treatment and effluent standards with respect to its sewage treatment plant to December 21, 1972. Under the regulation, compliance would otherwise be required by July, 1972. On March 7, 1972, a new regulation (#R71-14) was adopted establishing a December 31, 1973 deadline for achievement of the same standards by treatment plants categorized as that of petitioner (Rule 404(f), Part IV, Effluent Standards, Chapter 3, Water Pollution, Pollution Control Board Rules).

The City of Lincoln has filed a new petition for variance asking that the December 31, 1973 date be made applicable to it. As we held in Village of Lena v. Environmental Protection Agency, #72-423 (November 21, 1972), PCB, the extended date contained in our new regulation is applicable to the City superceding all previous regulations and variances thereof. No new variance is required and the petition is accordingly dismissed as moot.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 12<sup>th</sup> day of December, 1972, by a vote of 4 to 0.

Christan S. Moffett