

ILLINOIS POLLUTION CONTROL BOARD
September 12, 1972

DEARBORN CHEMICAL DIVISION)
OF CHEMED CORPORATION)
)
)
v.) #72-247
)
ENVIRONMENTAL PROTECTION AGENCY)

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

On October 14, 1971, in Case #71-205, we granted petitioner an 120 day variance from compliance with the provisions of SWB-14 in order to enable petitioner to make connection with the Lake Zurich Municipal Treatment System or provide alternate plans for treatment of its plant effluent, subject to conditions of reporting and bond as therein provided.

On March 2, 1972, in Case #71-387, the order was extended an additional 139 days, on representation that the Village of Lake Zurich had authorized the connection to its municipal treatment plant and that final plans and specifications were submitted to the Environmental Protection Agency for their approval.

On June 19, 1972, we received a third petition requesting a further 60-day extension of the variance. The petition recites that revision of the plans and specifications were required by the Environmental Protection Agency and that requests for permit for construction for the preliminary wastewater treatment plant had been filed by the company on April 6, 1972 and permit received on April 20, 1972. Difficulty was encountered in obtaining acceptable bids and construction work was delayed. The company represents that the construction work is proceeding at the present time, and that the 60-day extension is needed to assure completion. The Agency has recommended that the 60-day variance be granted.

It would appear from the computation of the dates involved that the proceeding is now moot because the total time already allowed plus sixty days would bring the total variance to approximately September 1, 1972. However, because of the bond requirement and a possibility of prosecution after the expiration of the earlier variance, we grant the 60-day extension as requested.

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

IT IS THE ORDER of the Pollution Control Board that petitioner be granted a sixty-day extension from the expiration of the variance heretofore granted in case #71-387 by order of March 2, 1972, subject to the same terms and conditions with respect to the posting of a \$20,000.00 bond as therein provided.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 1~~st~~ day of September, 1972, by a vote of 4 to 0.

Christan Moffett