

ILLINOIS POLLUTION CONTROL BOARD
January 31, 1972

The Village of Sauget)

v.)

PCB 71-287)

ENVIRONMENTAL PROTECTION AGENCY)

Further Opinion and Order of the Board (by Mr. Dumelle)

We received a Petition for Reconsideration and for Stay on January 17, 1972 from the Village of Sauget which asked us to reconsider our order of December 21, 1971, by adjusting two interim deadline dates, granting a variance in excess of one year, and eliminating the requirement of posting a bond. Further the Village asked for a stay of the January 15, 1972 date by which it was required to have posted a performance bond.

We deny petitioner's request in each instance. The petition is devoid of merit. Evidence at the hearing showed that in fact petitioner was on schedule in pursuing its program at that time (R. 18, 91, Pet. Ex. A attached to Petition for Variance). The necessity for the requirement to post a bond grows from the common history of "slippage" in program schedules of the kind undertaken by Sauget. In this regard we note Sauget's assertion in the instant petition that a six week delay was occasioned by the Village waiting upon the deliberations of this Board in another (albeit related) matter. The statute which created this Board clearly states that a variance cannot be granted for a period in excess of one year. Sauget's need for the present variance until December 15, 1972 is manifest inasmuch as the deadline date in the present regulation of December 31, 1973 imposes further deadline dates of December 31, 1972 for commencement of construction and July 31, 1972 for submission of complete plans. The Board's grant of a variance in accordance with the petitioner's submitted schedule is indeed a genuine and needed exemption from the presently applicable and enforceable regulations.

We order that the instant petition be denied and that petitioner proceed in accordance with our order of December 21, 1971.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the Board adopted the above Further Opinion and Order on the 31 day of January, 1972 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board