

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1972

DEARBORN CHEMICAL DIVISION OF)
CHEMED CORPORATION)
v.) PCB 71-387
ENVIRONMENTAL PROTECTION AGENCY)

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

A variance from certain water pollution regulations was granted for 120 days to Dearborn Chemical Division of Chemed Corporation (Dearborn) on October 14, 1971 (PCB 71-205) to allow the company to make arrangements to connect to the Lake Zurich treatment plant or to make alternative plans to treat the company's effluent. The instant petition, filed on December 28, 1971, seeks to extend the exemption period an additional 139 days.

The Environmental Protection Agency (EPA) has recommended that the relief be granted without a hearing. We grant the request for an extension subject to the condition that the company continue in force the Bond it had posted during the previous period of variance.

The company stated in its petition that it had obtained the approval on November 8, 1971 of the Village of Lake Zurich to tie into the municipal treatment plant and that it had subsequently made a presentation of its plans to the EPA. The EPA in its Recommendation stated the company's submission was a preliminary proposal to which assent was given. Final plans and specifications, which the EPA must approve before Dearborn can proceed, had not been submitted as of the date of the filing of the petition. We are informed by letter from the EPA that Dearborn submitted final plans and applied for a permit on February 10, 1972. Since the EPA must act within 90 days of the company's submission, Dearborn by the middle of May at the latest, will know how it must proceed. Grant of this variance of 139 days of additional time will be ample time for the company to award contract and complete construction by the July date on which this variance will terminate.

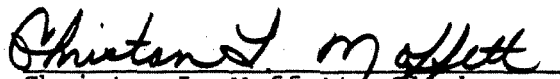
Dearborn's bond in the face amount of \$20,000 securing the company's performance to the EPA of the obligation of not discharging an effluent in violation of SWB-14 must be extended to cover this extended period of variance.

The above constitutes the Board's findings of fact and conclusions of law.

ORDER

The Board having considered the petition and recommendation in this proceeding hereby extends the variance granted in proceeding PCB 71-205 for 139 days subject to the condition that Dearborn continue its posted bond in force with the operative date of the obligation being extended for 139 days.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the Board adopted the above Opinion and Order on the 24th day of March, 1972, by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board