

ILLINOIS POLLUTION CONTROL BOARD
March 19, 1987

CITY OF YORKVILLE,)	
)	
Petitioner,)	
)	
v.)	PCB 87-33
)	PCB 86-24
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (By J. Marlin):

This matter comes before the Board on a Petition for Extension of Prior Variance filed on March 12, 1987 by the City of Yorkville (Yorkville). On May 9, 1986, in PCB 86-24, the Board granted Yorkville a variance, which expires on May 9, 1989, from 35 Ill. Adm. Code 602.105(a), Standards for Issuance, and 602.106(b), Restricted Status, as they relate to the combined radium standard of Section 604.301(a). In its May 9, 1986 Order, the Board set forth a time schedule for Yorkville's implementation of a compliance plan during the variance period.

The instant petition of Yorkville requests a six-month extension for various deadlines contained in the compliance schedule of the May 9, 1986 Order. Specifically, Yorkville requests an additional six months in which to present a detailed plan for compliance and subsequently apply for necessary permits needed to implement a compliance alternative. Yorkville is not requesting an extension for the compliance date of May 9, 1989.

The reason behind the extension request is that Yorkville is considering, as a compliance alternative, a new filtering system which is manufactured by Iso-Clear. The Iso-Clear system is currently being tested, and the results of these tests will not be known for at least six months. Yorkville does not wish to install an Iso-Clear system until detailed scientific data is available which demonstrates the success of the system.

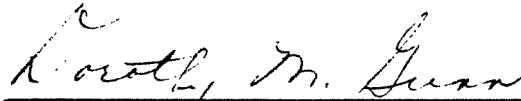
The Board notes that the Iso-Clear system is a technology which shows some promise in the field of radium removal. An additional six months would allow Yorkville to more accurately evaluate the Iso-Clear system as a control alternative. It is important to emphasize that Yorkville is not requesting an extension of the length of the previously granted variance. Rather, it is merely seeking to alter the scheduling of certain steps in achieving compliance. Due to the above factors, the Board will view the March 12, 1987 petition as a Motion for Modification under the original docket in this case, PCB 86-24, pursuant to 35 Ill. Adm. Code 103.241.

If either Yorkville or the Agency objects to the characterization of the instant petition as a Motion for Modification, then it should file such an objection with the Board by March 30, 1987. If no objection is received by the Board by that date, the Clerk will re-docket the petition accordingly. The Agency should file any response to the Motion for Modification by April 13, 1987.

IT IS SO ORDERED.

J.D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of March, 1987 by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board