

ILLINOIS POLLUTION CONTROL BOARD
May 10, 1990

SCOTT AIR FORCE BASE,)
)
Petitioner,)
)
v.) PCB 88-69
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On April 12, 1990, the Board issued an order stating that it construed an April 2, 1990 Request for Extension of Variance Petition for Scott Air Force Base Waste Water Treatment Plant filed by Scott Air Force Base ("Scott") on April 2, 1990, as a motion for extension of variance, but that it was unable to determine whether the Illinois Environmental Protection Agency ("Agency") was served with a copy of the request. The Board, therefore, requested the Agency to respond and to file such response on or before April 24, 1990. Scott filed an amended request with the Board on April 24, 1990. In this filing, Scott requested a further extension of its variance until July 31, 1990. Scott, in both requests, cited construction problems, the inability to operate key pieces of equipment during the construction process, and other operational problems as some of the reasons for the plant not running at the capacity necessary to meet the conditions set forth in its NPDES permit.

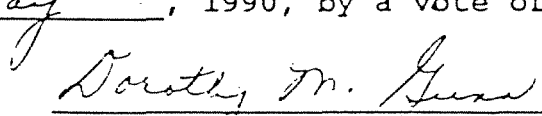
The Agency filed an Agency Response to Petitioner's Motion for Variance Extension on April 24, 1990. In its response, the Agency stated that although Scott's request should be docketed as a new petition for variance rather than a motion because the request for extension was made over thirty days after the expiration of the prior variance, it would respond as if the request were a proper motion. The Agency then stated that, based upon its inspections of the facility, it had no objection to the extension of Scott's variance to July 31, 1990.

Upon reconsideration, the Board reaffirms its decision to treat Scott's request as a motion for extension of variance. In so saying, the Board notes that it agrees with the Agency that requests for extensions of variance should be made before the termination of the prior variance. The Board has made an exception in this case, however, because the duration of the extension is unusually short and it is in the interest of administrative economy. The Board intends to act on the merits of this matter shortly.

IT IS SO ORDERED.

Board Member J. Dumelle concurs.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of May, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board