

Petitioner contends that a \$40,000 to \$50,000 savings would be realized by incorporating cost of improvements of the water treatment plant into a combined water and sewage treatment plant bond issue. Petitioner does not, however, demonstrate how these alleged savings will be realized through granting of the variance.

Petitioner claimed in its Amended Petition that development of a compliance plan for the water treatment plant was delayed because results from the Sewer System Evaluation Survey and the Facilities Plan had not been obtained. These Step 1 procedures will not be completed until Summer of 1980. Yet Petitioner states it will immediately initiate a design of the facilities as indicated in the Petition's Time Schedule for Compliance without these final plans. Petitioner's current ability to proceed with the design of the facilities without finalized plans indicates that the design could have been initiated at an earlier date.

Petitioner had made no effort to achieve compliance until renewal of its NPDES Permit was denied by the Agency on November 30, 1979. Petitioner's construction permit, obtained in March, 1977, expired in March, 1978. Claims of attempts to finance the facility have not been substantiated. Furthermore, given Petitioner's delay, expenditures by Petitioner to come into compliance with the total suspended solids limitations of its permit may not be deemed a hardship.

The Board concurs with the Agency Recommendation in this matter and denies the variance. Petitioner has advanced no new arguments or issues in the Amended Petition.

The Agency's motion to file its Amended Recommendation instanter is granted.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that Petitioner's request for a variance from the limitations for suspended solids contained in Rule 404(c) of Chapter 3: Water Pollution, and from Rule 902(i)(1)(iii) allowing the Agency to reissue a modified permit, be denied.

I, Christan L. Moffett, Clerk of the Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of May, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board