## ILLINOIS POLLUTION CONTROL BOARD July 18, 1972

CHICAGO-DUBUQU	E FOUNDRY	CORP.	) )		
V.			)	# 71	-309
ENVIRONMENTAL	PROTECTION	AGENCY	)		

Opinion & Order of the Board (by Mr. Currie):

On October 14, 1971, we granted a variance to permit particulate emissions in excess of regulation limits until May 12, 1972, during construction of emission controls on the petitioner's cupola in East Dubuque. This date was later extended to July 12, 1972, because of delays by equipment suppliers which we found to be beyond the company's control (Chicago-Dubuque Foundry Corp., #71-309, Oct. 14, 1971, and May 10, 1972). We have since received another stipulation signed by both the company and the Environmental Protection Agency asking us to extend the date further to Sept. 12, 1972, for the same reason. Our attention has also been called to a third stipulation by which the parties last December had asked us to modify the October order in respect to studying controls for the shakeout area, because of new commitments by the company. By oversight we have not passed upon this latter request.

Although the date was extended to July on the basis of just such a stipulation, further reflection persuades us that such a procedure is not consistent with the careful procedural requirements set up by the Environmental Protection Act for purposes of encouraging citizen participation. We express no doubts as to the good faith of either the company or the Agency in attempting to avoid unnecessary complexity in passing upon what appears to be a routine request, but we think it important that the statutory procedures be followed. The requests before us are neither more nor less than petitions for additional variances. When such a petition is filed, the statute requires certain public notices to be given and the opportunity for public comment afforded. A new number should be assigned to the requests for extension and modification, the proper notices given, and our action postponed pending possible public comment in the 21-day period provided for by statute. Cf. Marquette Cement Mfg. Co. v. EPA, #71-296 (Dec. 21, 1971); John T. LaForge Co. v. EPA, #71-286 (Dec. 21, 1971). It is so ordered.

ahutend. maffell