

ILLINOIS POLLUTION CONTROL BOARD
October 10, 1972

CITY OF HIGHWOOD)
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)
 v.) #72-334
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 ENVIRONMENTAL PROTECTION AGENCY)

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

On August 9, 1972, the City of Highwood petitioned for a variance from the provisions of SWB-7 and the Rules and Regulations of the Board relating to water pollution with respect to the waste water discharge from the City's water filtration plant. On August 15, the Board entered an order granting the City twenty days within which to submit a Statement of Facts which the City believed justified its failure to meet the deadline of SWB-7, requiring that its facility must be in compliance by July 1, 1972. Time to file such Statement was subsequently extended, and on September 25, it was received by the Board.

The Statement was wholly insufficient as received. It contained no firm program for compliance and no explanation justifying the City's inability to comply with long-established deadline dates. As such, the Board is unable to intelligently grant or deny the request since, as we have often said, the essence of a variance in cases of this nature is a program for achieving compliance. See York Center Community Cooperative v. EPA, #72-7.

Therefore, we will dismiss the above-captioned variance request without prejudice. The City may file a request once again when it has developed a program for compliance.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 10th day of October, 1972, by a vote of 5-0.

