## ILLINOIS POLLUTION CONTROL BOARD December 13, 1973

E. I. DUPONT DE NEMOURS & PETITIONER	CO.	) }	
V•		) ) ) PCB	73-325
ENVIRONMENTAL PROTECTION RESPONDENT	AGENCY	) ) ) )	

MR. JAMES C. HILDREW, ATTORNEY, on behalf of PETITIONER MR. JOHN E. SLATTERY, ASSISTANT ATTORNEY GENERAL, on behalf of the ENVIRONMENTAL PROTECTION AGENCY

ORDER OF THE BOARD (by Mr. Marder)

Petitioner has filed on November 15, 1973, a motion in regard to PCB 73-325. Said motion shall be handled in three separate parts.

I. Motion to grant relief of performance bond:

Motion denied. It is the usual practice of the Board to require performance bonds in an action such as this. Petitioner has shown no extenuating circumstances to warrant such relief.

II. Motion to extend time for compliance:

Motion denied. Petitioner's request for additional time would require a variance in excess of the one year maximum allowable under Section 36 (B) of the Environmental Protection Act.

## III. Motion to amend Order:

Motion granted. It is the Board's opinion that orders 3 and 4 were based on erroneous information supplied by the Environmental Protection Agency. In order to relieve Petitioner from any hardship which is not necessitated by adverse environmental impact, Order (3) shall read as follows:

3. Nitric acid plants #1 and #2 shall only be operated when Nitric acid plant #3 cannot meet demands.

Order (4) of PCB 73-325 shall be stricken.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the day of day of \_\_\_\_\_\_\_, 1973, by a vote of \_\_\_\_\_\_\_\_.

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