

ILLINOIS POLLUTION CONTROL BOARD
January 17, 1972

VILLAGE OF WILMETTE)
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 v.) PCB 72-5
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 ENVIRONMENTAL PROTECTION AGENCY)

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

Wilmette is required to treat or eliminate discharges of settling basin sludge from its Water Works by July, 1972 (Rules & Regulations SWB-7). The Village states that "our construction schedule indicates that these waste facilities will be available for use by July 1, 1972" but asks that we grant a variance until December 31 because "it is possible that delays in completion of the construction project may result in these facilities not being available until sometime after July, 1972."

Wilmette is thus seeking an insurance policy against delays which it does not expect, attributable to causes it does not suggest. If it should encounter excusable delays, then by all means it will be in a position to make application for a variance upon adequate allegations regarding the impact on the waters if a variance is granted and the hardship on the Village and its customers if it is denied. See our procedural rules, PCB Regs. Ch. 1, Rule 401, for the required contents of a petition. But we cannot grant a blank check permitting any and all delays of not over six months' duration, regardless of their justification. We cannot extend a date for compliance in the absence of allegations that the extension is necessary. The petition itself tells us that Wilmette expects to meet the July deadline, and that demonstrates it is not presently in a position to obtain a variance. We applaud the Village's desire to comply fully with the law by not waiting until the last moment to seek an extension, but on the basis of the present allegations the request cannot be entertained. Even if all the allegations were proved at a hearing, we could not grant the variance, and therefore a hearing would be a waste of time. PCB Regs., Ch. 1, Rule 405(b)(1); City of Jacksonville v. EPA, # 70-30, Jan. 6, 1971.

The petition is hereby dismissed.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 17 day of January, 1972 by vote of 5-0.

Christan Moffett