

ILLINOIS POLLUTION CONTROL BOARD  
November 21, 1972

VILLAGE OF LENA )  
 )  
 ) #72-443  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

On March 2, 1972, in case Village of Lena v. Environmental Protection Agency, #71-384, 3 PCB 709, a variance was granted to the Village extending the SWB-14 compliance dates for treatment and effluent standards with respect to its sewage treatment plant, to December 1, 1972. The Village's waste treatment plant has an effluent flow rate which dilution ratio is less than 1 to 1, which under SWB-14 required an effluent of 4 mg/l BOD and 5 mg/l suspended solids, originally to be met under the Regulation by July, 1972. On March 7, 1972, a new Regulation (#R71-14) was adopted establishing a December 31, 1973 deadline for achievement of the same standards by treatment plants categorized as that of petitioner (Rule 404(f), Part IV, Effluent Standards, Chapter 3, Water Pollution).

On November 13, 1972, we received a letter from Nicholas J. Keifer, Jr., Attorney, on behalf of the Village of Lena, stating that its construction program would be commenced in the spring of 1973 and would be completed by December 1, 1973. The letter inquires whether the general extension of compliance time contained in the Regulation would be applicable to the Village, or whether it would be necessary to grant a special extension of time beyond that provided in our March 2, 1972 Order.

While we do not render advisory opinions, we construe Mr. Keifer's letter as a variance petition on behalf of the Village and, accordingly, dismiss the petition as moot, holding that the extended date contained in our new Regulation is applicable to the Village of Lena, as it is to all other effluent sources similarly situated. We find no need to amend the previously granted variance as it has been superseded by the Regulation above quoted. See City of Elmhurst v. Environmental Protection Agency, #71-389, 4 PCB 63 (March 14, 1972); City of Fairfield v. Environmental Protection Agency, #72-58, Edwards Mobile Home Park v. Environmental Protection Agency, #72-88, Marmion Military Academy v. Environmental Protection Agency, #72-90, 4 PCB 65 (March 14, 1972), NSSD v. Environmental Protection Agency, #72-367, PCB (October 24, 1972).

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 21<sup>st</sup> day of November, 1972, by a vote of 5 to 0.

Christan Moffett