

ILLINOIS POLLUTION CONTROL BOARD

January 10, 1974

ILLINOIS POWER COMPANY (WOOD RIVER))	
)	
)	
v.)	PCB 73-483
)	
)	
ENVIRONMENTAL PROTECTION AGENCY)	

ORDER OF THE BOARD (by Dr. Odell)

Illinois Power Company operates an electric power generating plant near East Alton, Illinois. Petitioner's permits and associated projection completion schedules target January 1, 1974, as the day by which it must be in compliance with the rules and regulations regarding water pollution.

On November 14, 1973, petitioner filed with this Board a petition for variance to extend through June 30, 1974, alleging supplier's delays in shipment of material and equipment as the impediment to compliance. The petition neither specifies from what rules and regulations the variance is sought nor are the representations of postponements in shipments supported by affidavits or other evidence. On December 14, 1973, the Environmental Protection Agency recommended that the Petition be denied because of lack of information.

Rule 401 of the Procedural Rules of the Pollution Control Board establishes a touchstone to be followed in seeking a variance. Because of the insufficiency of this petition, we direct Illinois Power Company to file an amended one within 21 days of the adoption of this interim order or have its case dismissed. To enable the Board to make a proper decision, such amended petition should include:

1. Waiver of 30 additional days of the 90 day requirement specified in Section 38 of the Illinois Environmental Protection Act.
2. An identification of the particular rules and regulations from which a variance is sought; relevant evidence should also be included such as dated purchase orders, affidavits, etc. to substantiate petitioner's claim that the delay is not self-imposed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th of January, 1974, by a vote of 5 to 0.

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Christan L. Moffett