

ILLINOIS POLLUTION CONTROL BOARD
February 22, 1972

THE CITY OF FAIRFIELD)
)
 v.) PCB 72-58
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION OF THE BOARD (by Mr. Richard J. Kissel):

The City of Fairfield ("Fairfield") filed a variance petition with the Board on February 14, 1972. Fairfield seeks a variance from Paragraph Eight of SWB-14. That regulation would require that Fairfield's sewage treatment facility produce an effluent of 4 mg/l BOD₅ and 5 mg/l suspended solids by July, 1972. Fairfield indicates that its plant will be in compliance by January, 1973.

On its face, the variance petition is insufficient since it fails to indicate why the project has been delayed. Paragraph 7 of the petition indicates that Fairfield authorized its engineering firm to prepare a preliminary engineering report on the sewage treatment facility on February 3, 1970. Authorization to proceed with final plans and specifications, however, was not given until December 22, 1971 -- a gap of almost two years.

Under normal circumstances, the Board would dismiss such a petition for failure to allege the basis of the delay. Since this case does concern a municipality which has apparently been acting in good faith, we will not dismiss this petition. Rather, the City of Fairfield will be given an additional twenty (20) days within which to file an amended variance petition detailing the reasons for the delay.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 22nd of February, 1972 by a vote of 5-0.

Christan L. Moffett