

ILLINOIS POLLUTION CONTROL BOARD
May 12, 1971

NATIONAL GYPSUM CO.)

v.)

71-99

ENVIRONMENTAL PROTECTION AGENCY)

Memorandum Order:

National Gypsum seeks a variance, alleging it was unable to meet the April 15, 1971 deadline approved by the Air Pollution Control Board for correction of a particulate problem. The company now proposes to comply by July 15, 1971. Although this date may well be past before a hearing can be completed, we think a hearing is desirable both to determine whether the delay was excusable for purposes of possible money penalties and to determine that compliance will in fact be achieved by the new date. Not to schedule a hearing in such a case would mean that anyone could obtain an extension of two to three months simply by asking for it. It is noteworthy that this petition was not filed until after the earlier compliance date had passed.

The petition is incomplete in several respects and should be amended before the hearing. There is no allegation as to the hardship that would be suffered by the company if the petition were to be denied; as to the excuse for noncompliance with the deadline; or as to the harm to the neighbors if the variance is granted. It should be clear to the company that if it continues to operate during this period it does so at its own risk. It could have avoided such a risk by filing its extension request on time.

A hearing will be held.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Memorandum Order this 12 day of May, 1971.