

ILLINOIS POLLUTION CONTROL BOARD
May 26, 1971

Tekton Corp. and)
Gallagher & Henry)
v.)
Environmental Protection Agency)

PCB 70-56

Opinion of the Board (by Mr. Kissel):

On December 31, 1970, the Tekton Corporation and Gallagher & Henry petitioned the Pollution Control Board for a variance until May 1, 1972, with respect to water quality standards applicable to the Marion Brook Sewage Treatment Plant so as to permit construction of certain subdivision development sanitary sewer facilities and attachments of new residential units prior to completion of expansion of the sewage treatment plant. The Board authorized a hearing to be held on the variance petition.

Prior to the scheduled date of the hearing, the petitioners sought and were granted a general continuance in order to allow the submission of engineering drawings to the Environmental Protection Agency. In the interim, no additional sewage has been added to the Marion Brook plant. Further, petitioners more properly employed the permit procedures of the Environmental Protection Act, rather than the variance sections.

On May 14, 1971, the Board received a letter from the attorneys for the petitioners asking permission to withdraw the variance petition. The letter requests that the pending petition be withdrawn without prejudice. On the present state of the record there is nothing pending before the Board on which it can act or render a decision. It is the Order of the Pollution Control Board that the petition of Tekton Corporation and Gallagher & Henry be dismissed without prejudice.

I, Regina E. Ryan, Clerk of the Board, hereby certify that the above Opinion and Order was approved on the 26th day of May, 1971.

