

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1990

DEPARTMENT OF THE ARMY,)
)
 Petitioner,)
)
 v.) PCB 87-38
) (Variance)
)
 ILLINOIS ENVIRONMENTAL,)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. C. Marlin):

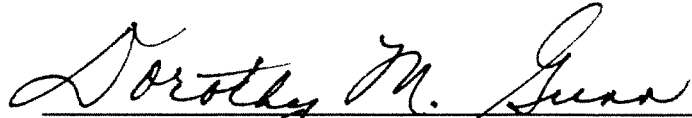
On October 29, 1990 the Department of the Army (Army) filed a motion to modify the Board's September 17, 1987 Order. The Army requests that the Board amend the date of December 1, 1990 in Paragraph 7 of the September 17, 1987 Order to December 1, 1991 because the Army has been unable to conduct appropriate testing pursuant to the September 17, 1987 Order. The Illinois Environmental Protection Agency (Agency) filed a response in opposition to the motion to amend the Board Order. The Agency believes that amendment of the September 17, 1987 Order is inappropriate procedure and that the Army's motion should be docketed and treated as a Petition For Variance Extension. The Agency bases this belief on its concern that the Army will be unable to meet the September 4, 1992 deadline for final compliance set forth in the September 17, 1987 Order.

The Board is not persuaded that the Army's motion will result in an inability to meet the variance deadline. Therefore, the Board will not docket this motion as a Petition For Variance Extension. The Board will grant the Army's motion to amend the deadline of December 1, 1990 to December 1, 1991 in Paragraph 7 of the September 17, 1987 Order. In the event that Army determines that it is unable to meet the September, 1992 compliance deadline, Army should seek any additional relief by way of a petition for variance extension, rather than by way of a motion to amend this variance.

IT IS SO ORDERED.

J.D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8th day of November, 1990, by a vote of 6-1.



Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board