

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1989

JOLIET ARMY AMMUNITION PLANT,)
)
 Petitioner,)
)
 v.) PCB 89-79
) (Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on a "Motion for Modification of Order" filed October 26, 1989 by petitioner Joliet Army Ammunition Plant. Petitioner seeks a modification of the Board's Order of September 13, 1989 granting petitioner a variance from 35 Ill. Adm. Code 602.105(a) and 602.106(b) subject to certain conditions. The Illinois Environmental Protection Agency ("Agency") has failed to respond to petitioner's motion.

Paragraph 4 of the Board's Order sets forth the following condition:

"No later than July 31, 1989, petitioner shall apply to IEPA, DPWS, Permit Section, for all permits necessary for the construction of installations, changes or additions to petitioner's water supply which are needed for achieving compliance with the maximum allowable concentrations for the standard in question."

Petitioner correctly notes that it is impossible for it to comply with the July 31, 1989 deadline set out in paragraph 4 given that the Board's Order granting the variance was not entered until September 13, 1989. Petitioner requests that paragraph 4 be modified as follows:

"No later than December 1, 1989, petitioner shall apply to IEPA, DPWS, Permit Section, for all permits necessary for the completion of installations, changes or additions to petitioner's water supply which are needed for achieving compliance with the maximum allowable concentrations for the standard in question."

In support of the December 1, 1989 deadline, petitioner states that

the anticipated completion date of the design plan for the water treatment system which is the subject of the instant variance was October 31, 1989. Upon receipt of the plan petitioner will submit the plan to the Agency with applications for all permits required by paragraph 4. Petitioner expects that all permit applications will be filed with the Agency no later than December 31, 1989.

The second modification sought by petitioner is that paragraph 10 of the Board's Order be modified as follows so that the requirements of paragraph 10 correspond to the Board's Order rather than the Agency Recommendations:

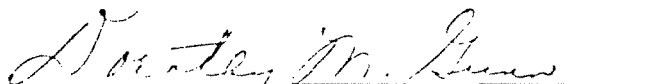
"10. Petitioner shall provide written progress reports to IEPA, DPWS, FOS every six months concerning steps taken to comply with paragraphs 4, 5, 6, 7, 8, and 9. Progress reports shall quote each said paragraph and immediately below each paragraph state what steps have been taken to comply with each paragraph."

Lastly, petitioner requests that the second sentence of paragraph 11 of the Board's Order be modified to reference petitioner rather than Illinois Power Company. Such a modification will correct an obvious typographical error.

The first modification sought by petitioner alters only an internal deadline for achieving compliance and does not extend the variance itself. Petitioner notes that the Agency has stated it would not oppose the instant motion. Therefore, paragraph 4 of the Board's Order of September 13, 1989 is hereby modified as requested by petitioner. The remaining modifications sought by petitioner simply correct typographical errors. Therefore, paragraphs 10 and 11 are hereby modified as requested by petitioner.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 15th day of November, 1989 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board