

ILLINOIS POLLUTION CONTROL BOARD
August 12, 1976

BIRD & SON, INC.,)
)
) Petitioner,)
)
 v.) PCB 76-116
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Zeitlin):

The Board's principal Opinion and Order in this matter was entered on July 8, 1976, granting Petitioner Bird & Son a two-year Variance from Rule 702(a) of Chapter 3: Water Pollution, subject to certain conditions. In a Motion for Modification of Order filed August 2, 1976, Petitioner seeks relief from one of those conditions:

. . .

- d. Should any technologically feasible and economically reasonable method for the removal of mercury from Petitioner's effluents be found, either by Petitioner or any one else, Petitioner shall, within ninety (90) days of receiving notice thereof, submit to the Environmental Protection Agency a plan to implement such method within one year of receiving such notice, and shall thereafter comply fully with such plan. (Opinion and Order at 3).

Other conditions to this Variance - as described in the accompanying Opinion - require that Petitioner search for suitable methods of mercury removal, and to report to the Agency on such a search. In light of that reporting requirement, and our finding (Opinion at 3) that no promising technology seems likely to appear soon, we feel that condition (d) may be safely deleted from the Order. The remaining conditions and the relatively short duration of the Variance granted should provide for any unexpected breakthrough in this area.

Accordingly, condition (d) in the Board's Order of July 8, 1976, is deleted. Condition (e) of that Order accordingly becomes condition (d).

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 12th day of August, 1976, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board