

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1976

LAKELAND PARK WATER COMPANY,)
)
 Petitioner,)
)
 v.) PCB 76-206
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On November 5, 1976, the Environmental Protection Agency (Agency) filed a Motion for Modification of Final Order issued by the Board in the above-captioned matter on October 14, 1976. Petitioner has not filed a response to the Motion. The Board's October 14 Order granted Petitioner a variance from requirements of a previously entered Order in PCB 74-85 and PCB 74-194, consolidated. The basis for the variance request and the Board's rationale for granting the variance was a proposed study of the effects of polyphosphate as an iron sequestering agent in Petitioner's water distribution system. The study was to be conducted by Dr. John O'Connor of the University of Missouri.

In its Motion, the Agency indicated that on October 27, 1976, it received a letter from Stiles-Kem Corporation, a polyphosphate producer which was the apparent instigator and funding source of Dr. O'Connor's study, stating that the study would not be taken. A copy of the letter and another letter were attached to the Agency's Motion.

The entire basis for the Board's finding of hardship and granting of the variance was the proposed study by Dr. O'Connor. The Board will, therefore, grant the Agency's Motion and modify its October 14 Order such that the requested variance is denied unless within 30 days from the date of this Order Petitioner submits proof to the Board that the proposed study by Dr. O'Connor has been undertaken.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 16th day of December, 1976 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board