

ILLINOIS POLLUTION CONTROL BOARD  
November 29, 1988

IBP, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 86-174  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

By its Opinion and Order of February 25, 1988, the Board granted IBP, Inc. variance until December 3, 1988 from 35 Ill. Adm. Code 304.120(b) as it pertains to suspended solids, subject to certain conditions. In paragraph C of that Order, the Board provided that:

Petitioner shall make all reasonable efforts to complete up-grading in accordance with the schedule set forth in paragraph b, above. However, if Petitioner is unable to complete up-grading due to factors beyond its control (such as inclement weather or delays in obtaining manufactured equipment), it may seek to obtain an extension of the completion schedule by filing for an extension of this variance.

On November 10, 1988, IBP filed a motion, supported by affidavit, requesting an extension of the variance through June 30, 1989. IBP asserts that upgrading has in fact been delayed by factors beyond its control, including but not limited to:

1. Failure of the Illinois Department of Transportation to issue a permit required for construction of the facilities until October 21, 1988; and
2. Necessity to re-bid the construction project with scope changes designed to bring construction costs down to the level anticipated by Petitioner and Respondent when settlement of the original Petition for Variance was negotiated.


The Agency has filed no response to this motion.

IBP's motion for extension of variance is granted through June 30, 1989.

IT IS SO ORDERED.

B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 29<sup>th</sup> day of November, 1988, by a vote of 6-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board