

ILLINOIS POLLUTION CONTROL BOARD
September 2, 1982

ALTON WATER CO.,)
)
) Petitioner,)
)
) v.) PCB 82-13
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On August 23, 1982 Alton filed a "motion to reconsider or, in the alternative, to correct clerical error" in the Board's Opinion and Order of August 18, 1982. The Board had granted a variance to "terminate September 1, 1985 or upon any earlier final decision in R82-3", based upon the Agency's Recommendation. Alton asserts that the variance term is insufficient, in the event of an unfavorable decision in R82-3, to shield it from enforcement while it is in the process of constructing facilities to treat the wastes from its water purification plant. Unless the term is extended, Alton notes that it immediately "would again be required to seek a variance". Two alternative variance terms are suggested for the Board's consideration, one of which is agreed to by the Agency.


The Board will modify its order to embody the agreed replacement variance term, as a) the three year maximum duration remains unchanged, and b) in the event of an unfavorable decision in R82-3, construction time for the treatment facilities would be about 20 months.

Paragraph 1(a) of the Board's Order of August 18, 1982 is stricken, to be replaced with:

"a. This variance shall terminate September 1, 1985 or upon the earlier date of either (1) a final Board decision in R82-3 favorable to Petitioner or (2) Agency issuance (following prompt application) of an operating or NPDES permit for treatment facilities disposing of wastes from the Petitioner's water treatment plant."

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 2ND day of September, 1982 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board