

ILLINOIS POLLUTION CONTROL BOARD
February 15, 1996

IN THE MATTER OF:)
)
PETITION OF THE CITY OF BELLEVILLE,) AS 96-7
ILLINOIS FOR ADJUSTED STANDARD) (Adjusted Standard - Water)
FROM 35 ILL. ADM. CODE 306.305(b))

ORDER OF THE BOARD (by E. Dunham):

On January 22, 1996, the City of Belleville filed a petition for an adjusted standard. Petitioner filed a certificate of publication on February 14, 1996 certifying that notice of the petition was published in *The Belleville News Democrat* on February 1, 1996. The petition seeks an adjusted standard from the excess flow disinfection requirements of the Board's water pollution regulations at 35 Ill. Adm Code 306.305. The granting of the requested relief would allow Belleville to discharge the effluent from its swirl concentrators to the receiving stream without providing disinfection.

Section 28.1(c) of the Environmental Protection Act (Act)(415 ILCS 5/28.1(c) (1994)) requires a petitioner for an adjusted standard to prove that:

1. factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to that petitioner;
2. the existence of those factors justifies an adjusted standard;
3. the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and
4. the adjusted standard is consistent with any applicable federal law.

In addition, 35 Ill. Adm. Code 106.705 requires the petitioner to provide certain information in the petition to the Board.

The Board finds that the petition does not adequately address the informational requirements of 35 Ill. Adm. Code 106.705 and Section 28.1(c) . Particularly, the petition does not address:

Section 106.705(d) Description of the petitioner's activities.

Petitioner has not provided a description of its activities in sufficient detail. Specifically, the petitioner has not provided any description of the proposed swirl

concentrator. The petitioner has not provided any basis for its estimates on the quantity and quality of the discharge.

Section 106.705(e) Cost of Compliance Alternatives

The petition does not contain information on compliance alternatives. Petitioner has not provided any support for its annual costs.

Section 106.705(f) Proposed language for Board order

The petition does not contain a narrative description of the adjusted standard or propose actual language for the Board order.

Section 106.705(g) Environmental Impact

Petitioners have not provided any qualitative or quantitative information regarding the environmental impact of its present activities.

Section 106.705(i) Consistency with Federal Law

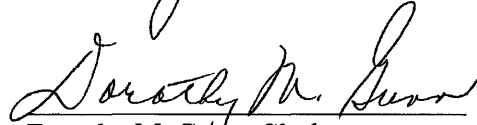
Petitioner contends that complying with this requirement is “unduly burdensome”. The Board believes that this information is necessary for review of the adjusted standard and is not “unduly burdensome” since the petitioner is required to comply with Federal Law. The Board requests that the petitioner provide this information to the Board.

The Board finds that the petition does not contain sufficient information to comply with the requirements of Section 28.1(c) of the Act or with 35 Ill. Adm. Code 106.705 regarding the contents of a petition for adjusted standard. Therefore, the Board finds that the petition filed by Belleville is insufficient for Board consideration and directs Belleville to file an amended petition in accordance with the requirements of Section 28.1(c) of the Act and 35 Ill. Adm. Code 106.705.

If Belleville does not file an amended petition, addressing the above issues, on or before April 1, 1996, this matter may be subject to dismissal.

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 February, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board