

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1991

ZEIGLER COAL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 91-12
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On January 22, 1991, the Zeigler Coal Company ("Zeigler") filed a petition requesting a variance from the sulfate effluent standards set by the Illinois Environmental Protection Agency ("Agency") pursuant to 35 Ill. Adm. Code 406.203(c)(1)(A). While the petition satisfies many of the informational and content requirements of 35 Ill. Adm. Code 104.121, it is deficient in that it does not contain the following information:

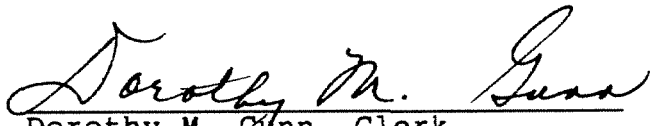
- 1) data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which the variance is sought;
- 2) a statement as to whether the Board may grant the relief consistent with the Clean Water Act (33 U.S.C. 1251), USEPA effluent guidelines and standards, any other Federal regulations, or any areawide waste treatment management plan approved by the Administrator of USEPA pursuant to Section 208 of the Clean Water Act; and
- 3) a statement waiving a hearing, accompanied by such affidavits or other proof in support of the material facts alleged in the petition as the petitioner may submit, or in the alternative, a request for a hearing on the petition.

If Zeigler fails to file supplemental materials curing the above-noted deficiencies on or before February 25, 1991, this

petition will be subject to dismissal. We also request that Zeigler file a copy of its NPDES permit #IL-005824.

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 24th day of January, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board