

ILLINOIS POLLUTION CONTROL BOARD  
April 4, 1985

CITY OF HOOPESTON, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-36  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a March 25, 1985 filing of a variance petition by petitioner requesting variance from 35 Ill. Adm. Code 306.304. The petition is deficient in the following respects:

- 1) fails to allege an arbitrary or unreasonable hardship [Section 104.121(k)];
- 2) fails to provide the Board with sufficient data as to total annual flow that is being bypassed and the total annual amount of BOD and TSS being bypassed;
- 3) fails to address whether the grant of variance would be consistent with federal law (Section 104.122);
- 4) although page 6 of the petition mentions that the bypass is to the main drainage ditch and then to the North Fork of the Vermilion River, it fails to clearly identify the receiving waterway(s) of the wastewater treatment plant discharge; and
- 5) fails to indicate whether its requested September 1989 deadline is consistent with the Clean Water Act deadline of July 1, 1988 [33 U.S.C. 1311(b)].

Furthermore, while the petition requests relief until approximately September 1989, the Board notes that the federal and, consequently state deadline for secondary treatment compliance is July 1, 1988.

Unless the petitioner files an amended petition curing the above defects within 45 days of the date of this Order, the petition will 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 4<sup>th</sup> day of April, 1985 by a vote of 5-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board