

ILLINOIS POLLUTION CONTROL BOARD
November 1, 1979

CITY OF CARMI,)
)
) Petitioner,)
)
) v.) PCB 79-223
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Dumelle):

On October 24, 1979 Petitioner requested a variance from Rule 962(a) of Chapter 3: Water Pollution to allow the connection of a sewer extension for a 50 unit apartment complex. The Petition is deficient in several respects. First, the First United Methodist Church is not listed as a Petitioner, even though it is the entity which apparently needs relief. Second, the Petition does not identify the receiving waterway as required by Procedural Rule 401(a)(4). Third, the Petition does not indicate the extent to which Petitioner is presently unable to comply with the Board's Water Pollution Rules as required by Procedural Rules 401(a)(5). Fourth, the Petition does not disclose a timetable, with attendant costs, by which Petitioner will come into compliance with the Board's Water Pollution Rules as required by Procedural Rule 401(a)(6). Fifth, the Petition does not assess the environmental impact that a variance would have on the receiving waterway as required by Procedural Rule 401(a)(7). Sixth, the Petition does not list Petitioner's past efforts toward compliance, including Petitioner's construction grant status, as required by Procedural Rule 401(a)(8). Seventh, the Petition does not include an analysis of any alternatives which may be available as required by Procedural Rule 401(a)(9). Eighth, the Petition does not disclose what interim measures may be undertaken to minimize any adverse impact a variance may have as required by Procedural Rule 401(a)(10). Ninth, the Petition does not indicate whether a hearing is requested or waived as required by Procedural Rule 401(b). Tenth, the Petition does not indicate the relative timing between the First United Methodist Church's application for funding and the Agency's imposition of restricted status, which would demonstrate whether Petitioner's hardship was self-imposed, as required by Procedural Rule 401(c).

Consequently this matter is hereby dismissed without prejudice. Petitioner may refile its request with the additional information noted here if it so desires.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 1st day of November, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board