

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1979

H. J. BERGMAN BUILDERS, INC.,)
)
 Petitioner,)
)
 v.) PCB 79-228
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Dr. Satchell):

On November 1, 1979 H. J. Bergman Builders, Inc. filed a petition requesting a variance from Sections 12 and 39 of the Environmental Protection Act and Rule 962 of Chapter 3: Water Pollution. The petition alleges that the Environmental Protection Agency denied Petitioner's application for a sanitary sewer extension and connection permit because of near continuous bypassing of the Monmouth sewage treatment plant. The petition further alleges that the treatment plant is now in compliance with the Act and Chapter 3 regulations. Procedural Rule 401(a)(5) requires that a variance petition include data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which the variance is sought. Since Petitioner has alleged no violation, the petition is dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 15th day of November 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board