ILLINOIS POLLUTION CONTROL BOARD August 23, 1979

ALGONQUIN AREA PUBLIC LIBRARY DISTRICT,)
Petitioner,)
V.) PCB 79-159
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On August 10, 1979, Petitioner requested a variance from "the noise regulations set forth in the complaint herein," to operate its air conditioner "on an occasional basis at maximum loading levels only between the hours of 7:00 a.m. and 10:00 p.m. at noise levels no greater than those set forth on the EPA test results of July 12, 1979."

The petition is insufficient for the following reasons:

- 1. It fails to specifically identify the regulation from which the variance is sought (Procedural Rule 401(a)1);
- 2. It fails to describe the activity of the petitioner and the area affected by its operations (Procedural Rule 401(a)2);
- 3. It fails to include the quantities and types of materials used in the activity for which the variance is sought (Procedural Rule 401(a)3);
- 4. It fails to state the number of decibels currently emitted, and the locations of points of discharge and points of reception (Procedural Rule 401(a)4);
- 5. It fails to describe in detail the proposed equipment or method of control to be undertaken to achieve full compliance with the Act and regulations (Procedural Rule 401(a)6);
- 6. It fails to assess the environmental impact of the variance (Procedural Rule 401(a)7);

- 7. It fails to discuss the availability of alternative methods of compliance, the extent such methods were studied, and the comparative factors in the selection of a control program proposed to achieve compliance (Procedural Rule 401(a)9);
- 8. It fails to state the measures to be undertaken during the variance period to minimize impact on human life in the affected area (Procedural Rule 401(a)10);
- 9. It fails to request or to waive a hearing (Procedural Rule 401(b)); and
- 10. It fails to concisely state factual reasons why Petitioner believes compliance with the particular regulation/s would impose an arbitrary or unreasonable hardship (Procedural Rule 401(c)).

If these inadequacies are not corrected within 45 days of the date of this Order, this matter will be subject to dismissal. The statutory 90-day decision period shall run from the date an amended petition is filed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 30 day of ________, 1979 by a vote of _______.

Christan L. Moffett//CVerk Illinois Pollution Control Board