

ILLINOIS POLLUTION CONTROL BOARD  
August 22, 1972

THE CITY OF LITCHFIELD,                     )  
  Petitioner,                     )  
   )  
              v.                                        )                     PCB 72-311  
   )  
ENVIRONMENTAL PROTECTION AGENCY,     )  
  Respondent.                     )

PRELIMINARY ORDER (by Mr. Parker):

This variance proceeding was commenced by the filing with the Pollution Control Board of a petition on July 26, 1972. Petitioner seeks to avoid use of temporary chlorination facilities pending construction of permanent facilities at some future time.

The Agency has moved to dismiss the petition for failure to satisfy the requirements of our Procedural Rule 401 (a). We find the petition is defective for such failure. Rather than dismiss the petition, however, we deem it more expeditious to by this Order advise petitioner of the defect and grant leave to petitioner to file an amended petition containing additional information.

Petitioner is hereby ordered to file an amended petition with the Board on or before September 1, 1972, the amended petition to contain additional information consistent with the requirements of our Procedural Rule 401, including facts as to the feasibility and cost of providing immediate temporary chlorination treatment of effluent adequate to meet the fecal coliform and other standards now, as well as the effect, in the event temporary treatment is not used, that discharge of the present effluent will have upon the receiving body of water. The amended petition should also include a statement by petitioner that the 90 day period provided for in Title 9, Section 38 of the Environmental Protection Act shall commence as of the date of filing of the amended petition.

In the absence of the filing of an amended petition on or before September 1, 1972, the original petition will be subject to dismissal. The Agency's motion to dismiss is denied.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order this 22<sup>ND</sup> day of August, 1972, by a vote of 5-0.

  
Christan L. Moffett, Clerk