

ILLINOIS POLLUTION CONTROL BOARD

September 6, 1972

HAWLEY PRODUCTS COMPANY)
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 v.) PCB 72-356
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 ENVIRONMENTAL PROTECTION AGENCY)
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Preliminary Opinion and Order of the Board (by Mr. Dumelle)

On August 28, 1972 we received a letter from Hawley stating that they operate a plant in St. Charles, Illinois. They are in the process of preparing applications for Operating Permits and have found that they are probably not in compliance with certain pollution regulations.

Enclosed with the letter are flow sheets, process descriptions, estimated figures on quantities of raw materials processed, estimates on quantities of contaminants discharged, a description of existing and proposed control equipment, and an estimated time schedule for compliance.

The letter concludes with a request for more time for further investigation of the quantities of contaminants released and a study of the proper control equipment to bring their sources of pollution into compliance.

Rule 401 of our Procedural Rules provides that a variance petition shall contain the following:

- (1) a concise statement of the facts upon which the variance is requested, including a description of the business or activity in question; the quantity and type of raw materials processed; an estimate of the quantity and type of contaminants discharged; a description of existing and proposed equipment for the control of discharges; and a time schedule for bringing the activity into compliance;
- (2) a concise statement of why the petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, including


a description of the costs that compliance would impose on the petitioner and others and of the injury that the grant of the variance would impose on the public; and

(3) a clear statement of the precise extent of the relief sought.

We find that Hawley's petition (letter) fails to supply that information required under Subsections (2) and (3) of Rule 401. In particular, the petition must cite the specific sections of the Regulations from which the variance is sought. We therefore will allow Hawley to file an amended petition within 20 days from the date of this order so as to include all information required by the Procedural Rules. If an amended petition is not filed within that time the case will be dismissed. The 90 days within which the Board must take final action (Section 38 of the Environmental Protection Act) will begin to run upon the date the amended petition, if any, is filed.

It is so ordered.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Preliminary and Order was adopted on the 6th day of September, 1972 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board