

ILLINOIS POLLUTION CONTROL BOARD
August 21, 1980

LARCHMONT WATER CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 80-141
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by D. Satchell):

On August 7, 1980 Larchmont Water Corporation (Larchmont) filed a petition for a variance from rules in Chapter 6: Public Water Supplies. Part I requests a variance from Rule 305 which requires chlorination. Part II requests a variance from Rule 207 as that rule applies to Technical Policy Statement 212(D)(2), which concerns the size of hydropneumatic storage tanks. Rule 207 provides:

The Agency shall not grant any construction permit . . . unless the applicant submits adequate proof that the public water supply either conforms to the design criteria promulgated by the Agency under Rule 212, or is based on such other criteria which the applicant proves will produce consistently satisfactory results.

The Environmental Protection Act does not authorize the Board to grant variances from Environmental Protection Agency (Agency) Technical Policy Statements (Section 35). Under Rule 207 the proper method of obtaining a permit for a facility which does not conform with Agency criteria is to demonstrate that it is based on other criteria which will produce "consistently satisfactory results." This should be done by way of permit application. Review of Agency action is available pursuant to Part V of the Procedural Rules. Part II of the petition is stricken. Since the hearing request appears to relate also to Part I, the Board will authorize a hearing on Part I.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of August, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board