

ILLINOIS POLLUTION CONTROL BOARD
June 25, 1981

CITY OF ASSUMPTION,)
)
 Petitioner,)
)
 v.) PCB 81-103
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by D. Satchell):

On June 19, 1981 the City of Assumption filed a petition for a variance from conditions of NPDES permit #IL0020907. The petition requests "modification of the requirement now in effect for chlorination of sewage effluent" and for "deletion of interim fecal coliform limitations of 400 per 100 ml" and monitoring requirements. Section 35 of the Illinois Environmental Protection Act does not authorize variances from permit conditions. Permit modification may be obtained from the Illinois Environmental Protection Agency (Agency) pursuant to application for permit modification. Where a variance from Board regulations is required prior to modification, Rule 914 of Chapter 3 provides for permit modification pursuant to Board Order. Board regulations do not require chlorination of sewage effluents or establish monitoring frequencies. However, Rule 405 of Chapter 3 establishes a limitation of 400 fecal coliform per 100 ml. Procedural Rule 401(a)(1) requires a clear and complete statement of the precise extent of the relief sought.

The petition is deficient in a number of other respects, including failure to include all information required by Procedural Rules 401(a)(2) through 401(a)(10). Notable deficiencies include failure to give data indicating fecal coliform and other contaminant levels presently discharged or water quality levels in the receiving stream; interim levels achievable; and, identification of and a discussion of impacts on downstream users.

This matter will be subject to dismissal unless an amended petition addressing the noted deficiencies is filed within forty-five days of the date of this Order. The decision period will commence with the filing of such amendment.

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 28th day of June, 1981 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board