

ILLINOIS POLLUTION CONTROL BOARD  
April 17, 1980

ADMIRAL, Division of Magic Chef, )  
Inc., )  
 )  
Petitioner, )  
 )  
v. ) PCB 80-76  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY )  
 )  
Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

The petition for variance is subject to dismissal for inadequacy, pursuant to Procedural Rule 401(d), unless an amended petition is filed within 30 days which includes the following information.

1. The quantity and types of materials used in the process or activity for which the variance is required and a full description of the particular process or activity in which the materials are used. Rule 401(a)(3).
2. The quantity and types of materials discharged from the process or activity requiring the variance; the location of the points of discharge, and, as applicable, the identification of the receiving waterway or land, or the location of the nearest air monitoring station maintained by the Illinois Environmental Protection Agency. Rule 401(a)(4).
3. Data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which the variance is sought and a factual statement why compliance with the Act and regulations was not or cannot be achieved by the required compliance date. Rule 401(a)(5).

4. A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Act and regulations, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and the estimated costs involved for each phase and the total cost to achieve compliance. Rule 401(a)(6).
5. An assessment, with supporting factual information, of the environmental impact that the variance will impose on human, plant, and animal life in the affected area, including, where applicable, data describing the existing air and water quality which the discharge may affect. Rule 401(a)(7).
6. Past efforts to achieve compliance including costs incurred, results achieved, permit status, and, for publicly-owned treatment works or connections thereto, construction grant status. Rule 401(a)(8).
7. A discussion of the availability of alternate methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of the control program proposed to achieve compliance. Rule 401(a)(9).
8. The petition shall contain a request for a hearing on the petition if desired by petitioner; or, in the alternative, a statement waiving a hearing, accompanied by such affidavits or other proof in support of the material facts alleged in the petition as the petitioner may submit, sufficient to enable the Board, if it so decides, to rule upon the petition without a hearing. Rule 401(b).
9. A statement of the measures to be undertaken during the period of the variance to minimize the impact of the discharge of contaminants on human, plant, and animal life in the affected area, including the numerical interim discharge limitations which can be achieved during the period of the variance. Rule 401(a)(10).
10. The petition shall include a concise factual statement of the reasons the petitioner believes that compliance with the particular provisions of the regulations or Board Order would impose an arbitrary or unreasonable hardship. Rule 401(c).

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 17<sup>th</sup> day of April, 1980 by a vote of 5-0.

Christan L. Moffett

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