

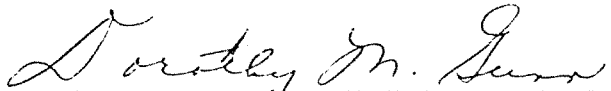
5. Paragraph 15 of the petition asserts that Section 304.103 would not require "compliance with numerical effluent standards," but does not explain how this provision would apply to the water quality standard from which relief is sought.

The Board is aware that alternative possibilities exist for Demert. Demert could pursue a variance seeking a Board determination that such relief is inappropriate because the challenged rule somehow does not apply. Demert could seek a short-term variance until it can determine alternatives for compliance or file a petition for some other form of relief. In either instance, Demert must correct the above-described deficiencies. Alternatively, Demert could seek a site-specific rulemaking or an adjusted standard. However, the petition does not assert such. Rather, the petition apparently seeks a permanent variance from a water quality standard. As such, it is not adequate.

Unless an amended petition is filed within 45 days of the date of this Order curing the above-noted defects this matter will be subject to dismissal.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 23rd day of March, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board