

ILLINOIS POLLUTION CONTROL BOARD
January 4, 1996

NUNDA WATER UTILITY CO., INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-140
)	(Variance-PWS)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. A. Manning):

On December 26, 1995 the Nunda Water Utility Co. filed a "petition for variance" until March 14, 2001 from "the requirement to replace the existing underground pneumatic storage tanks with above ground pneumatic tanks", citing to "1992 Recommended Standards for Water Works Paragraph 7.2.1". The petition, which requests hearing, also states its belief that an "adjusted standard" for its facility "is the environmentally preferred option".

While the petition refers to the Sections of the Act (§35-38) and the Part (104) of our procedural rules which govern variances, it appears that Nunda may not entirely understand the variance process. Section 104.121 of the Board's rules sets out the information required in a variance petition. This petition fails to contain most of the information required by that rule.

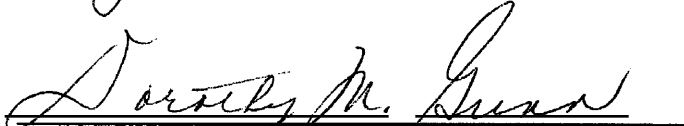
For instance, Section 104.121(b) requires identification of which of the Board's rules (35 Ill. Adm. Code Parts 100-120) petitioner is seeking relief from. The Recommended Standards for Water Works are not Pollution Control Board rules, and the Board cannot grant relief from these standards. Another example is Section 104.121(f), which requires petitioner to provide a detailed plan by which it will come into compliance at the end of the variance period. This variance contains no such plan. While the Board does grant adjusted standards, which do not require compliance plans, such petitions have their own set of rules and requirements as set out at Section 28.1 of the Act and Part 106. Subpart G of the Board's rules.

If an amended petition containing information meeting the requirements of Section 104.121 is not filed within the 45 days of the date of this order, this petition may be subject to dismissal. Nunda may wish to contact the Agency's Division of Legal Counsel for the Division of Public Water Supplies prior to filing its amended petition, as that division may be of some assistance to Nunda in determining what sort of relief Nunda

actually needs.

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 4th day of January, 1996, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board