

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1998

IN THE MATTER OF:)
)
PETITION OF THE CITY OF) AS 99-1
BELLEVILLE FOR AN ADJUSTED) (Adjusted Standard - Water)
STANDARD FROM 35 ILL. ADM. CODE)
306.305)

ORDER OF THE BOARD (by G.T. Girard):

On July 20, 1998, the City of Belleville (Belleville) filed a request for an adjusted standard. On August 6, 1998, the Board directed Belleville to file an amended petition. On September 2, 1998, Belleville filed a motion to amend the petition. The Board denies the motion to amend the petition at this time. The amended petition has not adequately addressed the informational requirements of 35 Ill. Adm. Code 106.705.

Specifically, the amended petition is insufficient in that Section 106.705(f) requires the petitioner to provide a narrative description of the proposed adjusted standard as well as the proposed language for the Board order which would impose the adjusted standard. While the information provided in the amended petition is sufficient for crafting the language for a Board order, it is not in the form of the proposed Board order imposing the adjusted standard. Belleville is directed to provide the actual language for the Board order to avoid any ambiguity regarding the requested relief.

Also, Section 106.705(h) requires the petitioner to provide an explanation as to how it seeks to justify the proposed adjusted standard pursuant to the applicable level of justification. The petitioner must justify the adjusted standard in accordance with the requirements of Section 28.1 (c)(1) through (c)(4) of the Act, since the regulation of general applicability does not specify the level of justification. Section 28.1(c) of the Act requires a petitioner seeking an adjusted standard to prove that:

1. factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to that petitioner;
2. the existence of those factors justifies an adjusted standard;
3. the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and
4. the adjusted standard is consistent with any applicable federal law.

The information provided by Belleville does not address three of the four factors listed above. Specifically, the information provided under paragraph (3)(a) of the amended petition does not address the issue of how the factors relating to the petitioner are substantially and significantly different from those considered by the Board in adopting 35 Ill. Adm. Code 306.305. Further, the petitioner has not explained how the existence of such factors justify the proposed adjusted standard.

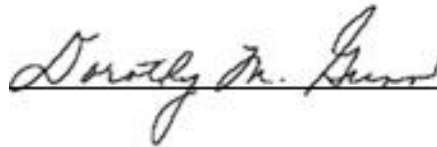
At paragraph (3)(b) of the amended petition, Belleville has provided information concerning the safety measures that would be taken if a chlorine disinfection system is installed at its 88th Street lift station. However, the granting of the requested relief would eliminate the need for such a disinfection system. In light of this, Belleville must explain how the requested relief, *i.e.* allowing the excess wet weather discharge from the swirl contractor without disinfection would not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.

As the amended petition is not adequate, the Board denies the motion to amend the petition and directs Belleville to file another amended petition by October 1, 1998.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of September 1998 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board