

ILLINOIS POLLUTION CONTROL BOARD
August 9, 2001

CITY OF STREATOR,)	
)	
Petitioner,)	
)	
v.)	PCB 02-04
)	(Variance – Water, NPDES)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flegal):

On July 13, 2001, the City of Streator (petitioner) filed a petition for variance (petition) from Section 35 Ill. Adm. Code 402, and a motion for expedited review. Petitioner seeks a five-year variance from the restricted status rules to allow additional hookups to its overloaded wastewater treatment plant. On July 30, 2001, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss the petition and a response objecting to petitioner's motion for an expedited review. The motion for expedited review is granted. The motion to dismiss is denied, although the Board will order that petitioner file an amended petition.

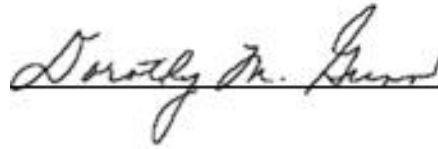
The Board finds that the petition fails to adequately address certain content requirements required by the Board's rules at 35 Ill. Adm. Code 104.204. Petitioner is directed to review these requirements and amend its petition as necessary. Specifically, but not exclusively, petitioner has failed to comply with 104.204(f), which requires petitioner to provide a detailed compliance plan that would enable petitioner to achieve compliance with 35 Ill. Adm. Code 402 by the end of the variance period. Additionally, the petitioner has failed to describe the environmental effects of the proposed additional hookups to its plant, including the nature and quantity of the proposed new influent to the plant, and the nature and amount of discharge the plant would produce if the Board grants the variance, as Section 104.204(g) requires. Petitioner must file the amended petition with the Board by September 10, 2001, or this matter will be dismissed. The filing of an amended petition restarts the statutory time clock of Section 38(a) of the Environmental Protection Act (Act). 415 ILCS 5/38(a) (2000).

The Board grants the Agency an extension of time until October 10, 2001, to respond to the amended petition.

The Board reminds the parties that before it can begin its review of the merits of the case, the Board must first receive the amended petition and the Agency's recommendation. Additionally, the hearing requested by petitioner must be held. Hearing will be held on any amended petition that petitioner files consistent with this order. After the hearing, the Board will expedite its review of this matter consistent with available resources and decision deadlines.

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 9th day of August 2001 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