

ILLINOIS POLLUTION CONTROL BOARD  
January 10, 1985

CITY OF WEST CHICAGO, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-2  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

On January 4, 1985, the City of West Chicago filed a petition for variance from unspecified Board regulations.

The petition is deficient in the following respects as it:

- 1) fails to specifically identify each regulation that variance is requested from [the Board includes the following table to compare the old rules with the codified versions, but in no way suggests that these are the only regulations applicable]:

<u>Old Rule Ch. 3)</u>	<u>Codified</u>
203(a)	35 Ill. Adm. Code 302.203
203(f)	302.208
401(c)	304.104
402	304.105
403	304.106
404(c)	304.120
405	304.121
602(b)	306.302 to 306.306

- 2) fails to give the population equivalents (P.E.) of the loading to the treatment plant;
- 3) fails to identify the design, average and maximum capacities for the existing sewage treatment plant;
- 4) fails to identify the design, average and maximum capacities for the proposed facility;
- 5) fails to adequately address past efforts at compliance;
- 6) fails to include cost data for past compliance efforts and for alternatives;

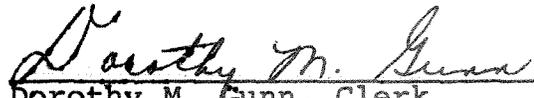
- 7) fails to indicate whether the variance may be granted consistent with federal law;
- 8) mentions the stipulation and proposal for settlement in PCB 77-115 yet fails to append it to the petition.

Furthermore, if relief is needed from fecal coliform standards, petitioner should be aware of the Illinois Supreme Court decision in People v. Illinois Pollution Control Board et al., Nos. 59473, 59480 cons. (October 31, 1984). Effluent shall not exceed 400 fecal coliform per 100 ml (present 35 Ill. Adm. Code 304.121).

Unless the City of West Chicago files an amended petition curing the above - noted defects within 45 days of the date of this Order, the petition 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 10th day of January, 1985 by a vote of 5-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board