

ILLINOIS POLLUTION CONTROL BOARD
July 19, 1985

VILLAGE OF AVISTON, ILLINOIS,)
)
 Petitioner,)
)
 v.) PCB 85-104
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On July 12, 1985, the Village of Aviston ("Aviston") filed a petition for variance concerning its sewage treatment plant's discharge. That Petition is deficient in a number of respects and the Board will need additional information in order to proceed.

First, the Board refers Aviston to the procedural rules governing the contents of a petition for variance, 35 Ill. Adm. Code Part 104, Subpart B. While Aviston is not required to follow the format of that subpart, it would be helpful. However, all information requested in that subpart must be included somewhere in the petition for variance. The Board notes that Aviston has failed to provide any information pertaining to: Section 104.121(h), (i), (j), (k); Section 104.122; and Section 104.124 (Section 104.124, Hearing Request or Waiver; Affidavit, is especially important). Additionally, Aviston should request variance from the applicable Board regulation (presumably 35 Ill. Adm. Code 304.120(c)), rather than from terms and conditions of its NPDES permit. Proof of service of the petition on the Illinois Environmental Protection Agency is also required.

Finally, the Board believes the following additional data will be necessary to adequately evaluate Aviston's request for variance:

1. A description of the sewage treatment plant and collection system including design flow capacities;
2. Data on historical effluent quality and quantity;
3. Any available data on flows in the "unnamed tributary and Lake Branch" during periods when current effluent limits are expected to be violated; and
4. Any available data comparing sewage treatment plant effluent flows to rainfall amounts.

Unless an amended petition for variance is filed within 45 days 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 19th day of July, 1985, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board