

ILLINOIS POLLUTION CONTROL BOARD  
July 19, 1984

CITY OF KEITHSBURG, )  
 )  
 PETITIONER, )  
 )  
 v. ) PCB 84-57  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY )  
 )  
 RESPONDENT. )

ORDER OF THE BOARD (by J. Anderson):

The original variance petition was filed May 2, 1984. The Board on May 3 directed the petitioner to look at the procedural rules and to file an amended petition providing the information required in Part 104.

The amended petition, filed July 3, still does not provide the information needed by the Board. More specifically,

1) The City refers to "interim" effluent limitations contained in its old NPDES permit, and "final" effluent limitations contained in its current permit. The Board does not maintain files of all NPDES permits. The City must tell the Board what the interim limits were, and what the new limits are.

2) The Board does not usually grant variance from NPDES permit effluent limitations; it grants variance from Board rules. The City should tell the Board which specific rules in 35 Ill. Adm. Code Part 304 "Effluent Standards" it needs variance from, that is, which rules contain the numerical limits listed as conditions in the new NPDES permit.

3) In support of its arbitrary or unreasonable hardship claim in paragraphs 5 and 7 the City cites a study by Casler, Houser and Hutchinson, Inc., apparently submitted to the Agency in 1977. Since the Board does not receive copies of such submittals to the Agency, the City must provide the Board with any relevant pages of the study. Also, since this study is 7 years old, the City must specify whether the information contained in those pages is still relevant.

4) The City states that it has been able to comply with "interim" effluent limitations. The City must present data as to what its actual discharges are for the parameters for which variance is requested.

5) The City should explain the chart contained as the last page to Exhibit 1.

6) The "compliance program" contained in paragraph 6, and the statements in the last "wherefore" paragraph, do not give specific dates when various construction activities will be completed if funding is available, and indicate that no work will be done if funding is not available. Specific dates must be given in each case. The Environmental Protection Act does not allow the Board to postpone compliance indefinitely by means of a variance. If part of the compliance program would involve the filing of a petition for site-specific rule, the variance petition must say so.

The Board has been more than usually specific in this Order, as the petition was filed by a small municipality. However, since this is the City's second chance at filing a sufficient petition, the Board again advises the City that, if it does not file an amended petition curing the noted deficiencies within 45 days of the date of this Order, this action 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 19~~th~~ day of July, 1984 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board