

ILLINOIS POLLUTION CONTROL BOARD
August 6, 1987

HOWARD S. SPURGEON, d/b/a)
HIGHVIEW ESTATES SUBDIVISION,)
)
 Petitioner,)
)
 v.) PCB 87-111
)
ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondents.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a July 31, 1987, petition for variance filed by Howard S. Spurgeon (Spurgeon). The petition is deficient in that it fails to include:

- a) A clear and complete statement of the precise extent of the relief sought including specific identification of the particular provisions of the regulations or Board Order from which the variance is sought;
- b) A description of the business or activity of the petitioner including the size of the business and number of employees and a description of the location and area affected by petitioner's operations;
- c) The quantity and types of material used in the process or activity for which the variance is required and a full description of the particular process or activity in which the materials are used;
- d) The quantity and types of materials discharged from the process of activity requiring the variance, the location of the points of discharge and as applicable, the identification of the receiving waterway or land, or location of the nearest air monitoring station maintained by the Agency;
- e) Data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which the variance is sought and a factual statement why compliance with the Act and regulations was not or cannot be achieved by the required compliance date;

- f) A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Act and regulations, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and the estimated costs involved for each phase and the total cost to achieve compliance;
- g) An assessment with supporting factual information, of the environmental impact that the variance will impose on human, plant, and animal life in the affected area, including, where applicable, data describing the existing air and water quality which the discharge may affect;
- h) Past efforts to achieve compliance including costs incurred, results achieved, permit status, and, for publicly-owned treatment works or connections thereto, construction grant status;
- i) A discussion of the availability of alternate methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of the control program proposed to achieve compliance;
- J) A statement of the measures to be undertaken during the period of the variance to minimize the impact of the discharge of contaminants on human, plant, and animal life in the affected areas, including the numerical interim discharge limitations which can be achieved during the period of the variance;
- k) A concise factual statement of the reasons the petitioner believes that compliance with the particular provisions of the regulations or Board Order would impose an arbitrary or unreasonable hardship; and
- l) An indication as to whether the Board may grant the relief consistent with the Clean Water Act (33 V.S.C. 1251), U.S.E.P.A. effluent guidelines and standards, any other Federal regulations, or any wide area waste treatment management plan approved by the Administrator of U.S.E.P.A. pursuant to Section 201 of the Clean Water Act.

Unless an amended petition is filed within 45 days of the date of this Order, 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 6th day of August, 1987 by a vote of 6-0.

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