

ILLINOIS POLLUTION CONTROL BOARD  
August 6, 1987

FRED H. NIELSEN, JR., )  
and NIELSEN DEVELOPMENT, )  
 )  
Petitioners, )  
 )  
v. ) PCB 87-115  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

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

This matter comes before the Board upon an August 3, 1987, petition for variance filed by Nielsen Development (Nielsen). Nielsen is the developer of a residential subdivision and is seeking a variance from the "limitations prescribed by the Illinois Environmental Protection Act regarding the proposed sanitary sewer extension." Apparently, Nielsen's application for the extension of the sanitary sewers to serve the subdivision was denied because the Lake Villa Sewage Treatment Plant is operating at or near capacity. Nielsen's petition is deficient in two respects.

First, the Board believes that a complete determination on this petition cannot be had without the presence of the Lake Villa Sewage Treatment Plant (Lake Villa). Lake Villa's design capacity and potential service are issues of significance to this proceeding. Therefore, the Board hereby orders that Lake Villa be made a party to this action. Service of process and subsequent pleadings shall be as directed by Section 103.123 of the Board's Procedural Rules (35 Ill. Adm. Code 103.123). Also, proof of service of the petition on Lake Villa must be included in the amended petition.

Second, 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 of 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;

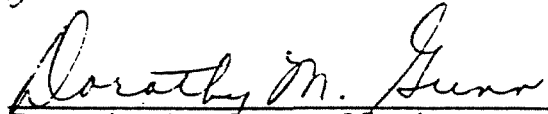
- c) The quantity and types of material used in the process or activity for which the variance is required and a full description of the particular process or activity in which the materials are used;
- d) The quantity and types of materials discharged from the process of activity requiring the variance, 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.

Unless an amended petition is filed within 45-days 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 6<sup>th</sup> day of August, 1987 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board