

ILLINOIS POLLUTION CONTROL BOARD
November 21, 1984

CITY OF CARLYLE,)
)
 Petitioner,)
)
 v.) PCB 84-171
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a November 9, 1984, petition for extension of variance filed on behalf of the City of Carlyle from its suspended solids NPDES permit limitation and the underlying effluent standard of 35 Ill. Adm. Code 304.124 applicable to its water treatment plant.

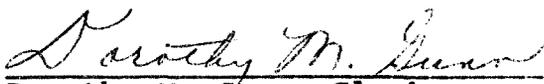
The Board notes that it has no authority to grant variance from an NPDES permit requirement. However, the City may request a modification of that requirement from the Illinois Environmental Protection Agency upon the receipt of variance from the underlying rule.

Further, while the petition is for extension of variance, such petitions must fulfill the requirements of 35 Ill. Adm. Code 104.121 and 104.122. The petition here fails to do so in that there is no discussion of the environmental impact, the City has not directly addressed the reasons that denial of variance would impose an arbitrary or unreasonable hardship, and the petition is generally underdeveloped. Much of this could be remedied by the incorporation by reference of the record, opinion and order in PCB 82-35 pursuant to 35 Ill. Adm. Code 104.123(b) although any changed circumstances should be noted.

Unless the City files an amended petition within 45 days of the date of this Order curing the above-noted deficiencies, 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 21st day of November, 1984 by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board