

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1989

JOHN N. METROPULOS, JR.,)
)
 Petitioner,)
)
 v.) PCB 89-63
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On April 12, 1989, John N. Metropulos, Jr. and Martha G. Metropulos filed a petition for variance for their property located in the Village of Lake Zurich. The Metropuloses submitted a filing fee on April 17, 1989. The petition is deficient in that it fails to include much of the information required for variance petitions (see 35 Ill. Adm. Code 104.121). The deficiencies include:

- 1) Since the Village of Lake Zurich is the owner/operator of the sewage treatment plant to which the Metropulos' seek permission to connect, the Board finds that the Village is a necessary party to this proceeding. The Village must be joined either as a petitioner (if it supports the petition) or a respondent (if it opposes the petition). In either event, the Village must be served with a copy of the petition pursuant to 35 Ill. Adm. Code 103.123, and the petition must contain proof that the Village has been so served. The Board notes that much of the information required for petitioner's restricted status relief concerns the sewage treatment plant;
- 2) A clear and complete statement of the precise extent of the relief sought, including specific identification of the particular provisions of the regulations from which the variance is sought;
- 3) Data describing the nature and extent of the present failure of the sewage treatment plant to meet or maintain compliance with the numerical standards or particular provisions of the Board's regulations and a factual statement why compliance with the Act and regulations was not or cannot be achieved;


- 4) A detailed description of the existing and proposed equipment or proposed method of control to be undertaken by the sewage treatment plant 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;
- 5) 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 data describing the existing water quality which the discharge may affect;
- 6) A statement of the measures to be undertaken by the sewage treatment plant to minimize the impact of the discharge of contaminants on human, plant and animal life in the affected area, including the numerical interim discharge limitations which can be achieved during the period of the variance;
- 7) A concise factual statement of the reasons the petitioner believes that compliance with the particular provisions of the regulations would impose an arbitrary or unreasonable hardship; for example, what would be the arbitrary or unreasonable nature of the economic hardship if the petitioner were to delay the sale of the property until the sewage treatment plant came into compliance? Or to what extent, if any, would there be an arbitrary or unreasonable hardship if the petitioners were to sell the property without a variance from restricted status?
- 8) A statement indicating consistency with federal law as required by 35 Ill. Adm. Code 104.122;
- 9) A statement on whether or not a hearing on the petition is desired by petitioner, or, in the alternative, a statement waiving a hearing accompanied by such affidavits or other proof in support of the material facts alleged in the petition as the petitioner may submit, sufficient to enable the Board, if it so decides, to rule upon the petition without a hearing; and
- 10) Information regarding the consent decree, plus a copy thereof, prepared by the Illinois Environmental Protection Agency ("Agency") and forwarded to the Village of Lake Zurich, as mentioned in paragraph 3 of the petition.

Since the Board received the filing fee from the Metropulos' on April 17, 1989, the statutory time periods for action required by the Agency and the Board begin running on that date. However, that statutory time period will restart upon the date of the Metropulos' filing an amended petition.

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 27th day of April, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board