

ILLINOIS POLLUTION CONTROL BOARD

November 2, 2000

IN THE MATTER OF:)
)
PETITION OF CITY OF ELGIN FOR AN ADJUSTED) AS 01-1
STANDARD FROM 35 ILL. ADM. CODE 304.125) (Adjusted Standard - Water)
AND 35 ILL. ADM. CODE 302.204)
)

ORDER OF THE BOARD (by N.J. Melas):

On July 7, 2000, the City of Elgin (Elgin) filed this petition for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act). 415 ILCS 5/28.1 (1998). Elgin requests that the Board grant an adjusted standard from 35 Ill. Adm. Code 304.125 and 302.204. Section 304.125 of the Board's regulations applies to Elgin's effluent from the South McLean Lime Residuals Facility, and Section 302.204 applies to an unnamed tributary of the Fox River in Elgin, Kane County, Illinois which receives the effluent.

On July 27, 2000, the Illinois Environmental Protection Agency (Agency) timely filed a motion for hearing in this matter. The Agency stated that there are no previous cases in which the Board has granted an adjusted standard from the water quality standard for pH in a situation similar to that proposed by Elgin.

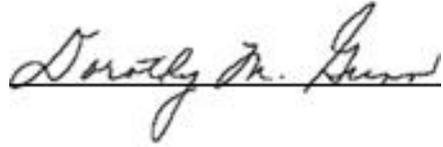
On August 10, 2000, the Board found that Elgin properly published notice and properly filed a certificate of publication. However, the Board determined that Elgin did not adequately address certain proof required by Section 28.1(c) of the Act (415 ILCS 5/28.1(c)) and certain information sufficiency requirements required by the Board's regulations at 35 Ill. Adm. Code 106.705. See In re Petition of City of Elgin (August 10, 2000), AS 01-1.

On October 10, 2000, Elgin filed an amended petition which addressed most of the proof and informational sufficiency requirements that the Board required in its August 10, 2000 order. However, Elgin did not provide a complete description of the efforts which would be necessary if Elgin were to comply with the regulation of general applicability. 35 Ill. Adm. Code 106.705(e). Elgin did not provide overall capital costs, annualized capital costs, and annualized operating costs for each compliance alternative. Costs are only presented for one alternative. Other less appealing compliance alternatives were not budgeted, probably due to higher costs, although no other figures were provided. If Elgin determines that a compliance alternative is technologically unfeasible and does not warrant a cost analysis, Elgin must provide a more detailed explanation of the technological barriers. The Board orders that Elgin address these issues, among others, at hearing.

Hearings shall be scheduled and completed in a timely manner. The assigned hearing officer shall inform the Clerk of the Board of the time and location of hearing at least 40 days in advance of hearing so that a 30-day public notice of hearing may be published. The Agency must file a response to the amended petition within 30 days of the filing of the amended petition (35 Ill. Adm. Code 106.714) or at the discretion of the hearing officer.

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 2nd day of November 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board