

ILLINOIS POLLUTION CONTROL BOARD

November 18, 1983

CITY OF HILLSBORO,)
)
 Petitioner,)
)
 v.) PCB 83-165
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On November 14, 1983 the City of Hillsboro (City) filed a petition for variance from the Illinois Environmental Protection Agency's operator certification procedures. The Board cannot grant variance from Agency procedures and construes the petition as seeking relief from 35 Ill. Adm. Code 312.101.

However, the petition is also deficient in other respects pursuant to 35 Ill. Adm. Code 104.121 in that it fails to specify a particular time period for which variance is requested, does not present discharge data or an assessment of the environmental impact, and does not discuss the cost of hiring a consultant as an alternative to achieve compliance. The Board also notes that the relief is requested in the form of a variance petition but appears to request a regulatory change which would exempt the City's treatment plant from the necessity of being operated by a Class I operator. Such relief cannot be granted in a variance proceeding.

Unless the City files an amended petition within 45 days of the date of this Order curing the above-noted defects, the petition will be subject to dismissal.

IT IS SO ORDERED.

Board members Bill Forcade and John Marlin abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 18th day of November, 1983 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board