

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

SILVER GLEN ESTATES,)
)
 Petitioner,)
)
 v.) PCB 95-6
) (Variance)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by C. A. Manning):

On January 9, 1995 Silver Glen Estates filed a petition for variance from the radium-226 and radium-228 standards contained in 35 Ill. Adm. Code 611.330. Silver Glen seeks variance to allow, over a three year period, connection of 153 new lots to its water supply, which is on restricted status. Silver Glen states that its request is "not a formal document", but that it intends to provide any "appropriate documentation".

This petition is insufficient, as it fails to supply most of the information by 35 Ill. Adm. Code 104.121. Additionally, rather than requesting relief from 35 Ill. Adm. Code 611.330, which may be inconsistent with federal law (see Section 104.122), Silver Glen may instead wish to seek relief from 35 Ill. Adm. Code 602.105 "Standards for Issuance" and 602.106 "Restricted Status" as they relate to radium 226 and 228.¹ If an amended petition curing these deficiencies is not filed within 45 days of the date of this order, this petition may be subject to dismissal.

IT IS SO ORDERED.

¹ Silver Glen may wish to contact the Illinois Environmental Protection Agency's Division of Legal Counsel for the public water supply division to obtain a copy of the form petition for variance which the division has developed for such requests.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of January, 1995, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board