

ILLINOIS POLLUTION CONTROL BOARD
August 29, 1972

DANVILLE SANITARY DISTRICT)
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 v.) #72-347
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 ENVIRONMENTAL PROTECTION AGENCY)

Opinion & Order of the Board (by Mr. Currie):

The Danville Sanitary District asks a variance from the requirement of PCB Regs, Ch. 3, Rule 404(f) that advanced sewage treatment facilities be completed by December 31, 1973, which itself was an extension by a year and a half of the deadline in the former regulations. The petition is quite brief, stating by way of justification only that it is presently estimated that plans for the facility will be completed by December 1973 and construction thirty months later. No facts are stated as to such essential matters as the present plant effluent, the stream condition, or the reason for falling so far behind (we note the possibility that the plan schedule of December 1973 may be a typographical error for 1972). The allegations are not sufficient to inform us or the Environmental Protection Agency, which must investigate and evaluate the petition, as to the facts on which the District bases its variance request. Nor is it clear from the petition that the District is prepared to prove facts which under our precedents would justify the grant of a variance. We think no one would benefit if we held a hearing only to discover that an important factual element of the District's case had inadvertently not been established.

We must therefore dismiss the petition without prejudice to the filing of a more detailed petition. We call the District's attention to our procedural rule 401, which spells out the types of facts that must be alleged in a petition, and to our decision in Decatur Sanitary District v. EPA, #71-37 (March 22, 1971).

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 29th day of August, 1972, by a vote of 5-0.

Christan F. Moffett