

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1972

DANVILLE SANITARY DISTRICT)
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) #72-400
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ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

By petition filed in Danville Sanitary District v. Environmental Protection Agency, #72-347, the District sought a variance from the requirements of PCB Regs., Chapter 3, Rule 404(f), requiring advanced sewage treatment facilities to be completed by December 31, 1973. The petition requested until June 30, 1976 to complete the facilities.

We stated that the allegations were insufficient to support a variance petition, noting particularly that no facts were alleged with respect to the present plant effluent, the condition of the stream or the reasons why petitioner had fallen so far behind in the preparation and implementation of plans for construction of advanced sewage treatment facilities. We observed that the December 31, 1973 completion date from which variance was sought was itself an 18-month extension of the deadline contained in former Regulations. Because of the foregoing inadequacies, the petition was dismissed without prejudice to the filing of a more detailed petition, (#72-347, 5 PCB August 29, 1972).

On October 10, 1972, a new petition was filed requesting the same relief sought by the earlier petition. While some of the inadequacies noted above have been corrected, we again dismiss the petition for failing to satisfy our procedural Rule 401, spelling out the types of facts which must be alleged in a variance petition. See Decatur Sanitary District v. Environmental Protection Agency, #71-37, 1 PCB 359 (March 22, 1971). As in the former petition, no allegations are made justifying petitioner's failure to comply with the Regulations, and specifically, why petitioner has fallen so far behind in the submission of plans and initiation of construction for advanced treatment facilities, consistent with former and existing Regulations. Little is stated what effect on the stream would result from the granting of the variance proposed, nor has petitioner gone into any detail adequately delineating the

point of sag in oxygen levels in the Vermilion River. We again dismiss the petition without prejudice to the filing of a more detailed petition consistent with our procedural rules and former decision above cited.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 17 day of October, 1972, by a vote of 5 to 0.

Christan J. Moffett
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