

ILLINOIS POLLUTION CONTROL BOARD

April 4, 1996

CITY OF PROSPECT HEIGHTS)	
(Rob Roy Water System),)	
)	
Petitioner,)	
)	
v.)	PCB 96-195
)	(Variance - Public Water Supply)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On March 18, 1996 the City of Prospect Heights filed a letter requesting a five-year extension of the variance granted in PCB 90-224, as amended by Board order of April 9, 1992. The variance was a five-year variance from the Board's rules at 35 Ill. Adm. Code 602.105(a) Standards of Issuance and 602.105(b) Restricted Status as they relate to the standard for radium in drinking water of 35 Ill. Adm. Code Subtitle F.

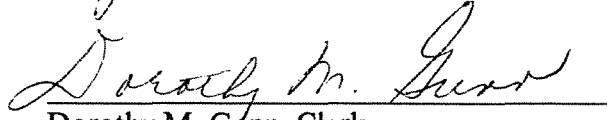
At the time variance was granted, USEPA rulemaking had appeared imminent. At this juncture, USEPA rulemaking appears to be delayed indefinitely.

Prospect Heights' letter fails to satisfy the informational requirements of 35 Ill. Adm. Code 104.123 and 104.124. More specifically, while Prospect Heights' unsworn petition updates the record with information concerning recent radium readings, it fails to: a) reaffirm the continued validity of past information, b) include any information concerning past efforts, if any, towards compliance in the past 5 years, or c) present any information or argument that denial of a variance extension would impose an arbitrary or unreasonable hardship. It is also unclear whether variance is being sought exclusively for the Rob Roy Water System and/or potential additional users, or whether the City requests or waives hearing.

If an amended petition curing the noted deficiencies is not filed within 45 days of the date of this order, this petition will be subject to dismissal. In so ordering, the Board underscores that the amended petition need not be elaborate, but must advise the Board what remains the same and what has changed in the City's particular situation. The filing of an amended petition will restart the Board's decision timeclock.

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 4th day of April, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board