

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1987

HOWARD S. SPURGEON, d/b/a)
HIGHVIEW ESTATES SUBDIVISION,)
)
Petitioner,)
)
v.) PCB 87-111
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

On September 16, 1987, Howard S. Spurgeon (Spurgeon) filed an amended petition for variance, seeking relief from 35 Ill. Adm. Code 304.120(c). That section sets forth effluent limitations for five-day biochemical oxygen demand (BOD₅) and suspended solids. The amended petition is deficient in that it fails to include:

- a) The present levels of BOD₅ and suspended solids in the discharge from Spurgeon's sewage treatment plant to a tributary to Farm Creek;
- b) An assessment, with supporting factual information, of the environmental impact of the excess levels of BOD₅ and suspended solids;
- c) A notarized affidavit in support of the material facts alleged in the amended petition, so that the Board, if it so decides, may rule upon the amended petition without a hearing; and
- d) A certificate of service indicating that the amended petition has been filed with the Illinois Environmental Protection Agency.

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

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 17th day of September, 1987, by a vote of 6-0.

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