

ILLINOIS POLLUTION CONTROL BOARD
September 11, 1986

ARLINGTON PARK RACETRACK,)
)
 Petitioner,)
)
 v.) PCB 86-141
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This provisional variance extension request comes before the Board upon a September 11, 1986 Recommendation of the Illinois Environmental Protection Agency (Agency). On July 31, 1986, the Board granted the Petitioner a 45-day provisional variance in PCB 86-117 from 35 Ill. Adm. Code 302.203, 302.206, 302.209 and 502.106(d) for the time period from August 1, 1986 through September 14, 1986 to allow surface drainage from the stable area of the Arlington Park Racetrack and to relieve it from the requirement of its NPDES Permit implementation schedule. (See: Opinion and Order of July 31, 1986 in PCB 86-117, Arlington Park Racetrack v. IEPA). The Agency recommends a 45-day extension of the prior variance in PCB 86-117 be granted to the Petitioner for the time period commencing on September 15, 1986 and continuing through October 29, 1986.

The Arlington Park Racetrack, which was virtually destroyed by fire on July 31, 1985, is a well-known horse racing facility located in Arlington Heights, Illinois. Sanitary wastes are discharged to the Metropolitan Sanitary District of Greater Chicago for appropriate treatment and solid animal waste generated in the stable area is removed from the premises by a private contractor. The Petitioner has been forced to curtail its normal racing schedule as a result of the severe 1985 fire at its facility. and the owners have not yet ascertained "whether it would be best to remain and rebuild at the present site or to relocate to another site". (Rec. 2).

On January 20, 1984, the Agency issued NPDES Permit #IL0063487 to the Petitioner, which authorized the discharge of uncontaminated runoff to Salt Creek, a tributary of which passes through the Petitioner's site. The Petitioner, which plans to continue to stable horses during the time period from September 15, 1986 through October 29, 1986, has developed a detailed compliance plan to minimize the environmental impact upon the receiving stream. (Rec. 2).

After carefully evaluating the Petitioner's compliance program, the Agency has determined that any adverse environmental impact on the receiving stream will be minimal in light of the actions and precautions delineated by the Petitioner. (Rec. 2). Additionally, the Agency has indicated that there are no Federal regulations which would preclude the granting of the variance and there are no public water supplies which would be adversely affected by the granting of the requested relief. (Rec. 2).

The Agency has therefore concluded that compliance on a short-term basis with the applicable standards would impose an arbitrary or unreasonable hardship upon the Arlington Park Racetrack. Accordingly, the Agency has recommended that the Board grant the Petitioner a 45-day extension of the previously granted provisional variance from 35 Ill. Adm. Code 302.203, 302.206, 302.209 and 502.106(d), subject to certain conditions.

Pursuant to Section 36(c) of the Illinois Environmental Protection Act, the Board will grant the provisional variance extension as recommended.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Petitioner, the Arlington Park Racetrack, is hereby granted a 45-day extension of its provisional variance from 35 Ill. Adm. Code 302.203, 302.206, 302.209 and 502.106(d) to allow surface drainage from its stable area, subject to the following conditions:

1. The provisional variance extension shall commence on September 15, 1986 and continue for 45 days through October 29, 1986.
2. The Petitioner shall continue to implement and adhere to the actions outlined in Item 8 of its July 24, 1986 variance petition (PCB 86-117) so as to minimize the impact of any discharge to Salt Creek.
3. Within 10 days of the date of the Board's Order, the Petitioner shall execute a Certification of Acceptance and Agreement which shall be sent to Mr. James Frost of the Agency at the following address:

Mr. James Frost
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

This certification shall have the following form:

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 86-141 dated September 11, 1986, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

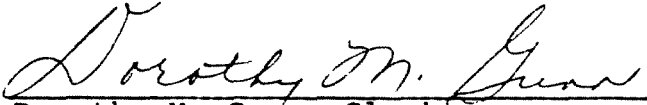
By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and Order was adopted on the 11th day of September, 1986 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board