

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1985

VILLAGE OF ROMEOVILLE,)
)
 Petitioner,)
)
 v.) PCB 84-179
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter originally came before the Board on a petition for variance filed by the Village of Romeoville ("Romeoville") on December 10, 1984. On December 20, 1984, the Board noted various deficiencies in the petition and entered an order allowing the petitioner 45 days to file an amended petition. On March 29, 1985, Romeoville asked for an extension of this deadline, and on April 4, 1985, the Board extended the date for filing of an amended petition to June 1, 1985.

Romeoville subsequently filed amended petitions on May 31, 1985, and July 15, 1985. Petitioner seeks variance from 35 Ill. Adm. Code 302.209 (fecal coliform water quality standard), 304.121 (fecal coliform effluent standard), and 305.102 (reporting requirements, as they relate to fecal coliform and chlorine residual) until July 1, 1988, and effective for the two separate sewage treatment plants operated by Petitioner. The expressed intent of Petitioner was to obviate the need to reinstall and operate chlorination disinfection facilities.

Petitioner waived hearing. However, on July 17, 1985, the Board received a citizen objection to the requested relief from Mrs. Gisela Topolski. Accordingly, the matter was set for hearing, which was originally scheduled for October 1, 1985, and subsequently cancelled due to scheduling difficulties.

The Illinois Environmental Protection Agency ("Agency") filed a recommendation in this matter on August 26, 1985, which recommended that the Board deny the variance relief requested by Romeoville. The Agency contended in major part that Petitioner had not shown arbitrary or unreasonable hardship, nor had it shown that the impact on the public would be minimal.

On October 28, 1985, the Agency submitted an amended recommendation accompanied by a motion for leave to file. The amended recommendation includes affidavits attesting to certain facts germane to resolution of this matter. The motion is accordingly granted. The parties of record have been served with copies of these October 28 filings, and no response has been received.

In its amended recommendation and attached affidavits the Agency notes that chlorination equipment was installed on or about September 23, 1985, at both sewage treatment plants operated by Petitioner. A visit to the two plants by Agency field personnel on October 7, 1985, also showed the chlorination equipment to be in operation.

On November 5, 1985, Mrs. Topolski, having been served by the Agency with copies of the Agency's October 28, 1985, filings withdrew her objection.

A principal contention of Petitioner in this matter has been that the cost of installing chlorination facilities at the two plants would impose an arbitrary or unreasonable hardship. The installation of the equipment has now mooted this issue.

The only additional matter of hardship alleged by Petitioner is the cost of continuing operation of the chlorination facilities. The Board cannot find that operations costs associated with such standard facilities constitute an arbitrary or unreasonable hardship.

In summary the Board finds that arbitrary or unreasonable hardship does not exist. The request for variance is accordingly denied.

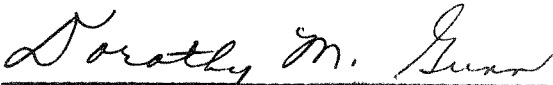
This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Village of Romeoville is hereby denied a variance from 35 Ill. Adm. Code 302.209, 304.121, and 305.102 as these pertain to fecal coliform and chlorine residual.

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 7th day of November, 1985, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control