

ILLINOIS POLLUTION CONTROL BOARD  
April 15, 1982

GREATER PEORIA SANITARY DISTRICT, )  
 )  
 ) Petitioner, )  
 )  
 )  
 ) v. ) PCB 82-43  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 ) Respondent. )

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

On April 14, 1982 the Illinois Environmental Protection Agency (Agency) filed a recommendation that the Greater Peoria Sanitary District (District) be granted a provisional variance from Rule 404 of Chapter 3: Water Pollution, as it relates to biochemical oxygen demand and suspended solids. The Agency has concluded that short term compliance with these limitations would impose an arbitrary and unreasonable hardship on the District, and that a failure to grant the requested provisional variance may, in fact, cause greater environmental harm than if it were granted. Therefore, pursuant to Section 35(b) of the Environmental Protection Act, the Board will grant this provisional variance.

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

ORDER

The Board hereby grants a provisional variance to the Greater Peoria Sanitary District from the biochemical oxygen demand and suspended solids provisions of Rule 404 of Chapter 3: Water Pollution, for a period of 45 days from the date that the Illinois River at Peoria has receded to 7.0 feet above normal pool, subject to the following conditions:

1. The District shall inform William Busch, Manager, Field Operations Section, Division of Water Pollution Control (217/782-1696) of the day the Illinois River at Peoria has

receded to 7.0 feet above normal pool, and of the day discharge begins by cutting the levee;

2. No sludge shall be discharged.

3. If an extension of this provisional variance is necessary, the District shall apply for such extension in a timely manner.

4. The District shall proceed with plans to increase the elevation of the existing levees.

5. The District shall execute a certification of acceptance and agreement to be bound by the terms and conditions of the variance within 15 days of the date of this Order. This certificate shall be in the following form:

CERTIFICATION

I, (We) \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 82-43 dated April 15, 1982, understand and accept 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, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order were adopted on the 15<sup>th</sup> day of April, 1982 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board