

ILLINOIS POLLUTION CONTROL BOARD
January 4, 1979

VILLAGE OF CAMP POINT,)
)
 Petitioner,)
)
 v.) PCB 78-252
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

Petitioner has requested a variance from Rule 602(b) of Chapter 3: Water Pollution of the Board's Rules and Regulations. Petitioner is asking that three sanitary sewer overflows be allowed until its sewer system can be upgraded. The variance has been requested as part of a stipulation and proposal for settlement in EPA v. Village of Camp Point, PCB 77-210, 30 PCB 499, June 22, 1978. The Agency has recommended that the variance be granted for two years on the condition that Petitioner pursues grant funding and complies with grant schedules. No hearing was held.

Petitioner plugged the three overflows but found that this can lead to basement flooding during storms. Petitioner's sanitary sewers suffer from severe infiltration and inflow. The Agency has indicated that funds will become available to correct the problem.

The Agency claims that the overflows will not have any significant adverse effect on Figley Branch or McKee Creek. Balancing this small impact against basement flooding, the Board concludes that denial of the variance would constitute an arbitrary or unreasonable hardship.

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

ORDER

It is the Order of the Pollution Control Board that

- 1) Petitioner be granted a two year variance from the requirements of Rule 602(b) of Chapter 3: Water Pollution of the Board's Rules and Regulations subject to the following conditions:
 - a) Petitioner shall diligently pursue grant funding and meet all grant related schedules; and

- b) Within 45 days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706 a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This 45 day period shall be held in abeyance during any period this matter is appealed. The Certificate shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-252, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED

TITLE

DATE

2) The Agency shall modify NPDES Permit No. IL 0050458 consistent with the terms of this Order and shall include interim effluent limitations in that permit based on best practicable treatment.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4th day of January 1979 by a vote of 4-0.

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