

ILLINOIS POLLUTION CONTROL BOARD  
September 7, 1978

NORTH SHORE SANITARY DISTRICT, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 78-144  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board on a Petition by the North Shore Sanitary District on behalf of its Waukegan sewage treatment plant for relief from a sewer ban imposed on this facility nearly 7 1/2 years ago. On May 15, 1978, the NSSD filed this Petition for Variance and submitted an Amended Petition dated June 14, 1978, the latter pursuant to a Board Order issued on May 25, 1978. On February 2, 1978, the Board issued an Order to the Petitioner in Variance proceeding 77-228, which conditioned final relief from restricted status upon a showing that the effluent from the Waukegan STP had been diverted from Lake Michigan. On September 1, 1978, the Environmental Protection Agency filed a Recommendation that Petitioner be granted a variance for this facility subject to certain conditions. No hearing was held in this matter.

The NSSD owns and operates the Waukegan STP which was placed on restricted status pursuant to Board Order in League of Women Voters, IEPA et al. v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, 1 PCB 369, 655 (1971). Since then, the Board has granted Petitioner limited relief in the form of variances which provided specific numbers of new connections to the Waukegan STP, as Petitioner implemented its program to improve and expand this facility and to divert its discharge from Lake Michigan. Most recently, in Orders dated February 2, 1978, and March 16, 1978, the Board continued the general sewer ban while granting a variance for additional connections amounting to 200 population equivalents.

According to the Amended Petition, the Waukegan effluent pumping station is in operation and diversion of effluent from the Waukegan STP to the DesPlaines River is now complete. The Agency recommends that Petitioner be granted the requested relief provided that it does not apply to certain sewers on restricted status within the City of Waukegan, owned and operated by the City of Waukegan.

In view of the foregoing, the Board finds that this sewer ban has served its purpose in eliminating a significant source of pollution from Lake Michigan. The Board will hereby terminate the sewer ban imposed by paragraph 7 of the March 31, 1971, Order in League of Women Voters et al. Any Agency-imposed sewer bans (i.e., restricted status as defined by Rule 604 of Chapter 3) on specific areas within the City of Waukegan shall remain in full force and effect.

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

#### ORDER

1. The Board hereby terminates the sewer ban imposed upon the Waukegan sewage treatment plant of the North Shore Sanitary District pursuant to paragraph 7 of the March 31, 1971, Order in League of Women Voters, IEPA v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, 1 PCB 369, 655 (1971) and other Board Orders pertaining to this specific matter which continued or revised this sewer ban.

2. Any sewer within the service area of the North Shore Sanitary District which is subject to restricted status as defined by Rule 604 and established pursuant to Rule 962 of Chapter 3: Water Pollution Regulations is not affected by this Order and the restricted status thereon shall remain in full force and effect.

3. Within forty-five (45) days of the date of this Order, the Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706, an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The forty-five day period herein shall be stayed during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_ having read the Order of the Pollution Control Board in PCB 78-144, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7<sup>th</sup> day of September, 1978 by a vote of 4-0.

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