

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 1978

NORTH SHORE SANITARY DISTRICT, )  
 )  
Petitioner, )  
 )  
v. ) PCB 77-228  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

This case comes before the Board as a request for an extension of a series of six prior variances. The variances have all been requested as a result of the sewer ban imposed on Petitioner nearly seven years ago. The sewer ban has remained in effect because of the overloaded sewers tributary to the Waukegan STP and the insufficient quality of the effluent from that facility.

The parties have filed a stipulation which contains an agreed set of conditions on a variance. Essentially they agree that the relief granted in PCB 76-295, issuance of permits totalling 1500 P.E., should be extended until December 31, 1978. This request is reasonable because Petitioner only used 100 of the 1500 P.E. it was granted. As conditions of this relief the parties ask that the Board-imposed sewer ban remain in effect and that no connections to the Judge Avenue sewer be allowed. In addition Petitioner agrees to apply to the Board to remove the sewer ban after the effluent from the Waukegan STP has been diverted to the Des Plaines River.

The sewer ban is apparently still necessary. Although the quality of the effluent from the Waukegan plant has improved significantly, it still does not meet the standards for Lake Michigan. Diversion to the Des Plaines River would remedy this problem, but the diversion is still not completed. The Agency's Recommendation indicated that diversion was supposed to be accomplished by October 31, 1977. In a progress report dated January 12, 1978 and filed under PCB 76-285, construction of the necessary Waukegan STP effluent pumping station is described as "99% complete". Consequently the Board has no idea when the diversion will be completed and, the ban will not be lifted until compliance has been achieved.

The ban on connections to the Judge Avenue sewer is supported by the fact that no evidence has been presented to show any improvement to the inadequate capacity of this sewer.

Denial of a variance to allow the issuance of permits totaling 1400 P.E. (the remainder) would constitute an arbitrary and unreasonable hardship upon Petitioner.

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

ORDER

It is the Order of the Pollution Control Board that the variance granted to Petitioner in PCB 76-295 be extended until December 31, 1978 subject to the following conditions:

- 1) A total ban on additional connections to the Judge Avenue sewer shall continue in full force and effect;
- 2) The Board-imposed sewer ban shall continue in full force and effect;
- 3) Within six months after diversion to the Des Plaines River, Petitioner shall reapply to the Board to lift the sewer ban. The Agency shall at that time make its recommendation to the Board based upon plant performance evaluation.
- 4) Within 45 days of the Board Order herein the Petitioner shall forward to the Illinois Environmental Protection Agency, Variance Section, Manager, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 a Certificate of Acceptance and Agreement to be bound by all terms and conditions of the variance. This 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I (We), \_\_\_\_\_ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-228 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

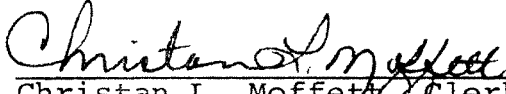
SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

Mr. Goodman abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 2<sup>nd</sup> day of February, 1978 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board