

ILLINOIS POLLUTION CONTROL BOARD
August 4, 1977

CITY OF MACOMB,)
)
 Petitioner,)
)
 v.) PCB 77-129
)
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

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

On May 11, 1977 the City of Macomb (Macomb) filed a Variance Petition requesting relief from Order #2 of the Board Opinion and Order rendered in PCB 75-484, PCB 75-489, and PCB 76-27, consolidated, dated January 6, 1977. The Variance would extend for a period of one year, to July 1, 1978, the date for completion of its Spring Lake sewage treatment plant which will serve two subdivisions currently having its sewage hauled to Macomb's Collection System. An Amended Petition waiving a hearing in accordance with Procedural Rule 401(b) was filed on June 23, 1977. The Agency's Recommendation to grant the Variance was filed June 10, 1977.

Macomb states it is unable to meet the July 1, 1977 deadline originally ordered because of delay in obtaining grant funds. Two Illinois Environmental Protection Agency permits were granted in January of 1977 for the extended aeration activated sludge sewage treatment plant and for the proposed collection system. The Agency states Macomb was offered a State Construction Grant on May 25, 1977, thus enabling the City to proceed as indicated in its schedule for compliance incorporated herein.

An arbitrary and unreasonable hardship would be imposed were this variance request denied. Macomb has acted expeditiously and the delay is through no fault of its own. No complaints have been received regarding the interim method of tank trucking the two sewage which protects Macomb's water supply. It is believed there will be no adverse environmental impact resulting from this variance

grant. Under these circumstances, the Board finds that a variance is warranted and orders Macomb to act expeditiously in proceeding with the construction of its proposed system so as to have it in full operation by July 1, 1978.

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:

1. The City of Macomb is granted a variance from Order #2 of PCB 75-484, PCB 75-489 and PCB 76-27, consolidated, until July 1, 1978.
2. The City of Macomb shall continue to haul the sewage from Springview Hills and Melwood Estates to the City's sewage treatment plant until the proposed plan is in operation.

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 4th day of August, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board