

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1977

VERMONT SANITARY DISTRICT,)
)
) Petitioner,)
)
) v.) PCB 77-135
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

On May 16, 1977 Petitioner filed a variance petition requesting relief from the dissolved oxygen water quality restriction of Rule 404(c)(iii)(D). Petitioner's sewage treatment plant was completed in the fall of 1976. On July 25, 1977 the Environmental Protection Agency (Agency) filed a variance recommendation in this matter. The Agency recommends that the petition be dismissed without prejudice as being premature. The Agency states that Petitioner has not presented any data or established by other means that this relief is necessary or that the application of the standards would result in an arbitrary or unreasonable hardship. Furthermore, in the Agency's response (filed September 6, 1977) to Petitioner's response (filed August 17, 1977) the Agency has indicated that release of grant funds to Petitioner is not predicated on this exemption (p. 2). The Agency intends to conduct a biological survey on Otter Creek in the late fall to coincide with low flow conditions to reflect the condition of the stream after several months of discharge by Petitioner's sewage treatment plant. The Agency feels that after this survey and monitoring of the discharge by Petitioner that the Board and the Agency will be in a better position to assess the environmental impact of this discharge. The Board agrees that the petition does not provide any showing that the relief is necessary. Considering the presented situation the Board will dismiss this variance petition without prejudice.

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 petition of the Vermont Sanitary District asking

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relief from Rule 404(c)(iii)(D) of Chapter 3: Water
Pollution Regulations is hereby dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify the above Opinion and Order
were adopted on the 15th day of September 1977 by a
vote of 5-0.

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

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