

On October 31, 1977 the District accepted a Municipal Wastewater Treatment Construction Grant offer for Step II, Design (Pet. 4, Rec. 2). The District was unable to complete its plans and specifications by June 30, 1978 because of severe winter weather and the unanticipated need to televise twenty-four sections of the system where conventional methods failed to disclose the location of storm sewer interconnections (Ex. C). Preliminary studies had indicated that televising was unnecessary and the Step II grant was inadequate to cover the cost. The planning was delayed by the need to obtain an additional grant to cover the cost of televising, which was obtained on August 15, 1978 (Pet. 6). The plans and specifications to eliminate interconnections were completed by February 14, 1979 and a Step III grant application is currently under consideration by the Agency. The Agency believes the District acted in good faith to mitigate the delay (Rec. 2).

In PCB 77-271, the District obtained variances through June 30, 1981 from water quality and effluent standards of Rules 203(f), 402, 403, 404(f)(ii) and 405. The pleadings before the Board contain no information concerning quantity and types of materials discharged, water quality and effect on receiving streams. These were discussed in the earlier proceeding and it is assumed that they are unchanged.

The District alleges that \$775,300 will be required to effect compliance with Rule 602(b) (Pet. 8). It is unable to finance the upgrading without a grant and it would be ineligible for the grant if it began construction prior to acceptance of a grant offer. The Board finds that it would impose an arbitrary and unreasonable hardship to require the District to comply with Rule 602(b) by June 30, 1979 and that the schedule of compliance proposed is reasonable and will result in abatement of existing violations when completed.

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

ORDER

The Urbana and Champaign Sanitary District is granted a variance from Rule 602(b) of Chapter 3: Water Pollution Regulations, subject to the following conditions:

1. The variance shall terminate twelve months after the District accepts a Municipal Wastewater Treatment Works Construction Grant offer, Step III, Construction, but in no event later than June 30, 1981.

2. The District shall take all actions appropriate to Step III of the grants program in a timely manner both before and after receipt of any grant.
3. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 79-50, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____
TITLE _____
DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of May, 1979 by a vote of 5-0.

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