

ILLINOIS POLLUTION CONTROL BOARD
December 19, 1980

WOODLANE CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 80-108
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY, COUNTY OF DUPAGE, FIRST)
 CONSOLIDATED PROPERTIES, INC.,)
 GREEN TRAILS LIMITED, and GRANT)
 SQUARE SERVICE CORPORATION,)
)
 Respondents.)

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

On April 19, 1980 the Woodlane Corporation (Woodlane) filed a petition before the Board requesting a variance which will allow the construction and operation of a temporary waste treatment facility to service a proposed training center in unincorporated DuPage County, near Woodridge, Illinois. Subsequently, Woodlane amended its petition in order to seek connection to the interim waste water treatment plant ordered by the Board to be constructed by certain past variance Petitioners as set forth in the compliance plans and the Board's Opinion in Corporate West, Inc. v. IEPA, PCB 80-96, 97, 98, 99, and 100. The Board ordered all necessary parties to be joined and granted the amendment to the petition on October 17, 1980. No hearing has been held in this matter and the Board has received no public comment.

The subject of this variance petition is a proposed facility to be constructed by Woodlane and used as a training center by the Bell System. The proposed construction is to be completed in early 1983 and would discharge approximately 54,000 gallons of waste water per day. Additional construction is anticipated subsequent to 1983.

On May 31, 1979 the Illinois Environmental Protection Agency (Agency) notified DuPage County Department of Public Works that its Lisle-Woodridge waste treatment plant had been placed on restricted status. Woodlane, therefore, requires some sort of relief to allow it to hook its sewer system to and discharge its waste water into the Lisle-Woodridge plant. Woodlane proposes to join with First Consolidated Properties, Inc., Grant Square Service Corporation and Green Trails Ltd. in a construction of the waste water treatment plant tributary to the Lisle-Woodridge sewer system which would treat a certain amount of the sewer

system waste stream in return for access to the Lisle-Woodridge sewer system for its own waste water. Green Trails, Ltd., First Consolidated Properties, Inc., and Grant Square Service Corporation are all parties under a Board order entered in the Corporate West consolidated cases. Woodlane proposes that it join those three parties in the construction of the waste water treatment plant ordered by the Board in Corporate West. The Agency agrees with Woodlane's proposal and recommends grant of a variance under certain conditions.

The environmental situation in this area has been covered in great detail in the August 7, 1980 Opinion in Corporate West. The Board agrees that the addition of Woodlane to the three aforementioned parties in Corporate West would be a reasonable solution to Woodlane's dilemma. Since there will be little or no harm to the environment should the variance be granted and since the parties in Corporate West have apparently agreed to the addition of Woodlane, the Board finds that it would be an arbitrary and unreasonable hardship on Woodlane should this variance request be denied.

It is the intent of the Board in granting this variance that Woodlane be allowed to join with Green Trails, Ltd., First Consolidated Properties, Inc., and Grant Square Service Corporation in the construction of a temporary treatment plant which is part of the relief granted in Corporate West. The Board retained jurisdiction in Corporate West for the purpose of making adjustments if the need arose. The Board shall likewise retain jurisdiction in this proceeding.

The Clerk of the Board shall be ordered to serve a copy of this Opinion and Order on all parties in Corporate West so that every one will be aware of the interdependent conditions contained in the Orders.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

1. Variance is hereby granted to Woodlane Corporation from Rules 203(d) and 402 of Chapter 3: Water Pollution as they relate to dissolved oxygen, and Rule 962(a) of Chapter 3: Water Pollution for the purpose of constructing and connecting a sewer extension to the Lisle-Woodridge sewage treatment system under the following conditions:

a. Woodlane Corporation shall join in the construction of an interim waste water treatment plant with the design average flow of at least 0.25 million gallons per day and which meets the requirements of the Illinois recommended standards for sewage works (effective March 31, 1980), which plant shall be designed to treat at a minimum the average equivalent mass BOD₅ and hydraulic loading that will be generated by the First Consolidated project, the Green Trails project, the Grant Square project, and the Woodlane project.

b. Upon completion of the construction of the interim sewage treatment plant above, ownership shall be transferred to the DuPage County of Public Works.

c. The interim treatment plant shall be operated by the DuPage County Department of Public Works under a contract approved by the Illinois Environmental Protection Agency and under the direction of a properly certified operator.

d. The interim treatment plant shall discharge an effluent quality which does not exceed 10 milligrams per liter of BOD₅ and 12 milligrams per liter of total suspended solids on a 30-day average.

e. The interim treatment plant shall meet limitations set by Chapter 3 of the Board's pollution control rules and regulations for all parameters therein with the exception of dissolved oxygen.

f. Flows shall be diverted to the interim treatment plant described in sub-paragraph a above such that the maximum steady state hydraulic loading condition is maintained. The requirements of sub-paragraph d and e above remain in effect. In no event, however, may the flow be less than the volume necessary to accommodate and treat the raw BOD mass equivalent from the First Consolidated project, the Green Trail project, the Grant Square project, and the Woodlane project. The steady state design hydraulic operating conditions shall be based upon the minimum raw wastewater concentrations expected under wet weather conditions. The flow necessary to maintain a steady state operating condition shall be determined by the DuPage County Department of Public Works, subject to approval by the Illinois Environmental Protection Agency, once operation of the plant has begun.

g. All necessary permits shall be obtained from the Illinois Environmental Protection Agency.

h. Adequate sludge handling and disposal facilities shall be provided and used.

i. Operation of the interim treatment plant shall terminate, if applicable, prior to the final grant inspection and approval by the Illinois Environmental Protection Agency of the Woodridge-Green Valley Wastewater Treatment Plant, and the interim plant shall be dismantled within 90 days after said inspection and approval.

j. Petitioner shall obtain a modification of area wide planning requirements as required.

k. Within 45 days after the Board order, the Petitioner and Respondents County of DuPage, First Consolidated Properties, Inc., Green Trails, Ltd. and Grant Square Service Corporation shall individually execute and forward to the Illinois

Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Churchill Road, Springfield, IL 62706 a Certification of acceptance and agreement to be bound by all conditions of this variance. This forty-five day period shall be stayed if Petitioner seeks judicial review of this variance. The form of said Certification shall be as follows:

CERTIFICATION

I, (We,) _____, having read the Order of the Illinois Pollution Control Board in PCB 80-108, dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner/Respondent

_____, Authorized Agency

_____, Title

_____, Date

2. Variance from Rule 203(f) and 402 of Chapter 3: Water Pollution as they apply to ammonia nitrogen is hereby denied.

3. The Clerk of the Board is hereby directed to serve a copy of this Order upon all the parties in PCB 80-96 through 80-100 as noted in the Board Order of August 7, 1980 and amended October 2, 1980.

4. The Board shall retain jurisdiction in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order and Opinion were adopted on the 19th day of December, 1980 by a vote of 5-0.

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