

ILLINOIS POLLUTION CONTROL BOARD  
December 14, 1978

CITIZENS UTILITIES COMPANY OF ILLINOIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 78-265
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On July 20, 1978 the Board entered an Order in PCB 78-123 granting Citizens Utilities Company of Illinois (Citizens) variance from certain rules of Chapter 3 until December 31, 1978, providing, inter alia, that a firm compliance schedule be submitted to the Illinois Environmental Protection Agency (Agency) no later than October 1, 1978. Citizens now requests that the Board grant an extension of time to and including November 18, 1978, within which to file the firm compliance schedule called for in the Board's previous order in PCB 78-123.

Citizens alleges that it was unable to present the firm compliance plan by October 1, 1978 due to a changing set of conditions which required more elaborate consideration than had originally been determined. Citizens notes that it must consider not only its own two sewage treatment facilities but must also consider the effect of additional flow from the Village of Bolingbrook which is currently treated by the Bolingbrook plant. In addition, Citizens alleges that the Northeastern Illinois Planning Commission (NIPC) report, while containing useful information, is based upon certain predicted situations which no longer appear likely or feasible by either Citizens or by the Village of Bolingbrook. In addition, the NIPC report is based on a 20-25 BOD/SS standard, whereas it is believed that the intent may be to impose a 10-12 BOD/SS standard. In its Petition Citizens lists a number of considerations which must be addressed in the preparation of the compliance schedule ordered submitted to the Agency in PCB 78-123.

In its recommendation the Agency states that the compliance schedule should have been filed on October 1, 1978 in order to allow the Agency to have at least from that date until December 31, 1978 to consider the Petitioner's plan. However, in order to facilitate the filing of Citizens' compliance schedule and the implementation of a method to achieve early compliance with Citizens' NPDES permit, the Agency recommends the grant of the additional time to Citizens, providing Citizens complies with the remaining provisions of the Board Order in PCB 78-123. The Board finds that Citizens has made a good faith effort to comply with the Board Order in PCB 78-123 and that no harm will accrue to the environment if the extension of time is granted. The Board will therefore grant Citizens a variance from paragraph 2 of the July 20, 1978 Board Order in PCB 78-123 until November 18, 1978, under certain conditions.

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

ORDER

It is the Order of the Pollution Control Board that Citizens Utilities Company of Illinois be granted variance to and including November 18, 1978, from paragraph 2 of the July 20, 1978 Board Order in PCB 78-123, subject to the following conditions:

- 1) Citizens shall comply with the remaining provisions of the Order of the Board noted above;
- 2) Within 45 days of the adoption of this Order, the Citizens Utilities Company of Illinois shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 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

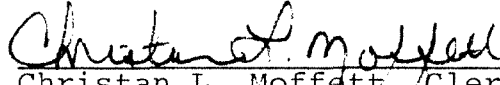
I (We), \_\_\_\_\_, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-265, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

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 14<sup>th</sup> day of December, 1978 by a vote of 3-0.

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