

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1978

SANITARY DISTRICT OF ROCKFORD,)	
)	
Petitioner,)	
)	
v.)	PCB 78-105
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

On April 14, 1978, the Sanitary District of Rockford (District) petitioned the Board for a Variance from Rule 408(a) of Chapter 3: Water Pollution, Illinois Pollution Control Board Rules and Regulations, in regard to concentrations of cyanide in effluent discharged by the District. On May 4, 1978, the District filed a Supplement to its Petition, waiving its right to a hearing under Procedural Rule 401(b) and requesting the incorporation of the record, Opinion and Order filed in PCB 77-95, Sanitary District of Rockford v. Environmental Protection Agency, into this new Petition for Variance.

The Agency recommends that the Board grant the District an extension of variance from the cyanide effluent limitation of Rule 408(a) for a period of one year from the date of the Board's Order, or until final action by the Board in R74-15, 16, whichever occurs first. The Board agrees.

The Board finds that the reasons which existed for granting Petitioner's relief in PCB 77-95 continue. In light of the possible changes to the cyanide standards (R74-15, 16), requiring Petitioner to expend the substantial amount necessary in order to meet the .025 mg/l effluent standard at this time would impose an arbitrary and unreasonable hardship. Petitioner has been in compliance with the General Use Water Quality Standard during the period covered by its original variance. The Board, therefore,

grants to the District a variance for a period of one year from the date of this Order, or until final action by the Board in R74-15, 16, whichever occurs first, subject to certain conditions.

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 Sanitary District of Rockford be granted a variance from the cyanide standard of Rule 408(a) of Chapter 3: Water Pollution for its effluent discharges into the Rock River for a period of one year from the date of this Order, or until final action by the Board in R74-15, 16, whichever occurs first, subject to the following conditions:

1. That Petitioner's effluent shall not exceed the following limitations during the term of the variance:
 - (a) Any instantaneous (grab) sample: 0.5 mg/l
 - (b) Any 24 hour composite sample: 0.2 mg/l
 - (c) Any 30 day average sample: 0.1 mg/l
2. That Petitioner's cyanide effluent discharges shall not cause a violation of the .025 mg/l total cyanide water quality standard in Rule 203(f) of Chapter 3 during the term of this variance;
3. Within 45 days of the adoption of this Order, the Sanitary District of Rockford 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 78-105 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____


TITLE _____

DATE _____

The Agency, pursuant to Rule 914 of Chapter 3, shall modify the District's NPDES permit consistent with the conditions set forth in this Order.

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 22ND day of June, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board