ILLINOIS POLLUTION CONTROL BOARD May 10, 1973

METROPOLITAN SANITARY DIS	TRICT OF	GREATER	CHICAGO)	 	
ν.				PCB	73-69
ENVIRONMENTAL PROTECTION A	AGENCY)))	

OPINION AND ORDER OF THE BOAkD (by Mr. Dumelle)

This is a petition for an extension of the variance that we granted to The Metropolitan Sanitary District of Greater Chicago (MSD) on May 23, 1972 from Rule 404(f) of the Water Regulations (PCB 72-110). No hearing was held. The facility involved is their East Chicago Heights Sewage Treatment Plant. Rule 404(f) requires that no effluent whose dilution ratio is less than one to one shall exceed 4 mg/1 BOD and 5 mg/l suspended solids after December 31, 1973. That variance was granted only until May 23, 1973 subject to extension to May, 1974 upon proof of satisfactory progress and subject to the following conditions:

- 1) MSD shall file a timely project completion schedule for the program of plant abandonment and shall diligently pursue that program;
- 2) MSD shall so operate its facilities as to achieve as good an effluent as is practicable;
- 3) Within 35 days after receipt of this order MSD shall post a bond in the amount of the cost of the abandonment program not yet incurred, to assure its completion;
- 4) MSD shall file quarterly reports with the Agency, the first to be filed within 35 days after receipt of this order.

On September 26, 1972, we modified that order so that the completion date to be stated in the bond would be September 20, 1974, and the amount of the bond would be \$500,000.

The Agency, in its recommendation, believes that MSD has substantially complied with the above conditions and has shown satisfactory progress so as to justify the extension of the variance.

In addition to the 404(f) variance, the original order also granted a variance from Rule 404(b) until November 23, 1972. The Agency, in its recommendation does not believe that MSD has fully complied with the conditions of that variance but notes that since November 28, 1972, all plant flows are being directed to the newly constructed aerobic lagoon except for storm bypass flow which is being diverted directly to the final quiescent lagoon. Though the 20/25 standard of 404(b) has not yet been met, the Agency believes that MSD has displayed commendable diligence in complying with the Board's order.

The Agency recommends granting the extension of the 404(f) variance subject to the following conditions, to which we agree:

- That MSD shall continue to file quarterly reports with the Agency; and
- 2) That MSD operate its plant in such manner as to comply with the standards of Rule 404(b), or else file a petition for variance from 404(b) and be granted such variance.

We will add the condition that the bond shall continue in force and effect but shall be reduced to \$200,000. This extension is until May 23, 1974.

This opinion constitutes the Board's findings of fact and conclusions of law.

IT IS SO ORDERED.

Mr. Seaman did not participate in the discussion or decision.

I, Christan L. Moffett, Clerk of the İllinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the day of May, 1973 by a vote of 3-0.

Illinois Pollution Control Board