

ILLINOIS POLLUTION CONTROL BOARD

June 7, 1973

VILLAGE OF LIBERTYVILLE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 73-189
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

Petitioner, the Village of Libertyville, filed for a variance which was received by the Environmental Protection Agency (hereinafter "Agency") on May 7, 1973. The Petitioner requests a variance from Rule 921(d) of Chapter 3: Water Pollution Regulations of Illinois (hereinafter "Chapter 3") in order to obtain a construction permit to construct an upgraded sewage facility.

The Petitioner currently owns and operates a 2,000,000 gallon per day wastewater treatment plant, discharging the effluent therefrom into the DesPlaines River. The plant provides primary and secondary treatment and is presently operating at or near design capacity.

On August 28, 1972, the Petitioner submitted to the Agency a project completion schedule indicating that the Village was taking action to expand its plant to a 4,000,000 gallon per day capacity and to add tertiary treatment facilities in order to meet the Water Quality Standards which will become effective December 31, 1973. The schedule further indicates that the improvements will be completed on December 1, 1974. On November 29, 1972, the Agency disapproved the project completion schedule since the expanded plant would not be in operation by the December 31, 1973 deadline. On March 26, 1972 the Agency received an application from the Petitioner for the construction permit which the Agency denied because the project completion schedule had not been approved.

The Agency, however, now recommends the granting of a variance. This Board is disposed to allow the variance since a refusal to allow Petitioner to acquire the necessary permit to upgrade its facility could only result in delaying the operation date of the improvements contemplated, thereby frustrating the spirit and intent of the Act. Relief from the provision of Chapter 3 of the regulations is essential

to permit the Petitioner to comply with the regulations promulgated by the Board and to prevent the imposition of arbitrary or unreasonable hardships upon the village and the public.

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

O R D E R

The Petition for Variance is granted from Rule 921(d) of Chapter 3 of the Water Pollution Regulations of Illinois.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 7<sup>th</sup> day of June, 1973, by a vote of 4 to 0.

Christan L. Moffett