

ILLINOIS POLLUTION CONTROL BOARD
September 5, 1985

CITY OF WEST CHICAGO,)
)
 Petitioner,)
)
 v.) PCB 85-2
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by J. Anderson):

On July 29, 1985, the Agency moved the Board to reconsider its June 13, 1985 Opinion and Order granting West Chicago variance from 35 Ill. Adm. Code 304.106, 304.120, 304.121, and 304.105 as it applies to 302.203, as well as from conditions A and D of the Stipulation accepted by the Board in PCB 77-155. The Agency requested that the Board modify its prior action to include conditions requiring the City to maintain a chlorine residual residual between .2 and .75 mg/l and to test the chlorine residual concentrations 5 times per week [see Rec., ¶24 (d,f)]. The Agency asserts that these conditions are a necessary substitute for the fecal coliform effluent standard from which variance was granted, to insure that the City does not "simply turn off its chlorination during periods when the plant exceeds its design maximum flow." The City, in its August 5, 1985 response to this Agency motion, states that it has no objection to addition of these conditions to the variance granted.

The Board hereby grants the motion to reconsider and to modify its Opinion and Order as requested, as the reason for inclusion of the chlorine residual conditions has now been explained. The Opinion is modified as explained in paragraph one of the Order below. For the administrative convenience of the parties, the Order, as modified by today's action, is set out in its entirety.

This Supplemental Opinion and Order constitutes the Board's supplemental findings of fact and conclusions of law in this matter.

ORDER

1) The Board's Opinion of June 13, 1985 is modified as follows: delete on p. 3, 1st full paragraph, lines 7-8, the parenthetical phrase following the word "imposed."

2) The City of West Chicago is hereby granted a variance from conditions A and D of the Stipulation and Proposal for Settlement adopted in PCB 77-115, and from 35 Ill. Adm. Code 304.106, 304.120 and 304.121 and from 35 Ill. Adm. Code 304.105 as it applies to 302.203, subject to the following conditions:

- a) This variance shall begin on commencement of construction of improvements to the excess flow facilities and shall continue until 90 days after that construction is completed, but in no event beyond November 1, 1986.
- b) This variance shall be contingent upon either 1) the amendment of the Consent Decree in City of West Chicago v. Douglas Costle et al. 77 C 1615 (N.D. Ill) as proposed in paragraph (a) of West Chicago's January 7, 1985, "Petition for Variance" or 2) the approval by USEPA of a permit modification issued to reflect the provisions of the Board order.
- c) This variance is applicable only to the effluent from Outfall 002, (as described in NPDES Permit ILO023469) and shall only be applicable during periods when the plant exceeds its Design Maximum Flow.
- d) West Chicago's effluent from Outfall 002 shall not exceed:
 - BOD 50 mg/l as a monthly average
 - TSS 50 mg/l as a monthly average
 - Chlorine Residual between .2 and .75 as a daily average
- e) West Chicago shall test for chlorine residual by a grab sample five (5) times per week and shall report these results on its Discharge Monitoring Reports.
- f) West Chicago shall notify the Agency in writing within five (5) days of the commencement of filling operations in lagoon #4 and shall also report quarterly, with the first report due July 1, 1985, on the progress of the construction of the excess flow facilities.

Those reports shall be sent to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
Springfield, IL 62702
Attention: James Frost

A copy of these reports shall also be sent to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Field Operations Section
The Intercontinental Center
Suite 600
1701 First Avenue
Maywood, IL 60153
Attention: Theodore Denning

- g) Within 45 days of the date of this Order, the City of West Chicago shall execute a Certification of Acceptance and Agreement to be bound to all terms and conditions of this variance. Said Certification shall be submitted to the Agency at 2200 Churchill Road, Springfield, Illinois 62706. The 45 day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We) _____, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 85-2, as issued June 13, 1985, and modified September 5, 1985.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

J. D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Supplemental Opinion and Order was adopted on the 5th day of September 1985, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board