

of contaminated soil. The stipulation, which was incorporated into the Board Order, required Kaney to submit an application for permits necessary to construct and operate a new lagoon. Kaney now proposes to construct two above-ground 5000 gallon stainless steel tanks instead of rebuilding the lagoon. A variance from the earlier Board Order is required.

The tanks will be installed on concrete supports in the existing lagoon. They will receive only external wash water through an existing twelve inch PVC pipe. The average waste load is about 500 gallons per week. The waste water will be hauled to the Rockford Sanitary District for proper treatment and disposal.

Kaney expects the wash water to have a pH of 7.5 and to contain sulfate, phosphate, soap, dissolved solids, suspended solids, oils and grease. It will be typical of car wash wastes. The Agency agrees with the facts alleged in the petition.

Kaney estimates that it would cost \$10,000 to \$12,000 to construct a new lagoon. This would involve installation of a buried liner and construction of a monitoring well. The lagoon would have an estimated life of only ten years. The tanks are estimated to cost \$5000 to \$6000 and to have an estimated life of twenty years.

Because the tanks will be elevated, leaks should be readily apparent. A liner and monitoring well will be unnecessary. Kaney will be required to maintain the existing lagoon walls to hold wash water in the event of a spill. The tanks will minimize wastewater contact with the environment to a greater extent than possible with a lagoon system.

The Board finds that it would impose arbitrary or unreasonable hardship upon Kaney if it were required to construct a lagoon as required by the Board's Order in PCB 78-236 instead of the tanks described above. The variance will be granted with conditions similar to those recommended by the Agency.

No variance will be granted from regulations requiring construction permits pursuant to Part IX of Chapter 3 (to be codified as Part 309). Kaney will be required to make the necessary

applications promptly, to give additional information as necessary and to construct the tanks promptly on permit issuance.

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

ORDER

Petitioners Kaney Transportation, Inc. and KTI, Inc. are granted a variance from the Order of the Board entered October 30, 1980 in PCB 78-236, insofar as that Order required the installation of a treatment lagoon to receive truck washing wastewater at Petitioners' Rockford facility, subject to the following conditions:

1. Within thirty days of the date of this Order, Petitioners shall submit to the Agency a construction permit application for the above-ground tanks described in the Opinion.

2. Petitioners shall submit such additional information, upon request by the Agency, as may be necessary for the Agency to review the permit application.

3. The Agency shall promptly review the permit application and grant or deny the permit or issue a request for additional information.

4. Petitioners shall complete installation of the storage tanks within ten weeks of receipt of a construction permit from the Agency.

5. Petitioners shall install the tanks as required by permit conditions.

6. Petitioners shall install the tanks inside the old lagoon and shall maintain the lagoon so as to allow adequate storage of wastewater should any spills or leaks occur.

7. Petitioners shall properly monitor, operate, maintain and repair the storage tanks at all times so as to minimize leaks or spills of wastewater.

8. Petitioners shall clean up any spills or leaks which may occur.

9. Petitioners shall dispose of wastewater collected in the tanks in accordance with all applicable Board regulations.

10. Kaney shall not wash truck interiors at this facility without first making a new or amended permit application to the Agency disclosing this fact.

11. This variance will expire April 30, 1982; provided however that compliance with its conditions shall be deemed compliance with the terms of the Board's Order of October 30, 1980 in PCB 78-236 insofar as that Order required construction of a lagoon.

12. Within forty-five days of the date of this Order, Petitioners shall each execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 81-60, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____
TITLE _____
DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 3rd day of September, 1981 by a vote of 5-0.

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