

ILLINOIS POLLUTION CONTROL BOARD
July 9, 1981

C. GROOT AUTOMATIC DISPOSAL CO., INC.,)
)
) Petitioner,)
)
) v.) PCB 81-83
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

On May 8, 1981, C. Groot Automatic Disposal Co., Inc., (Groot), filed a petition for variance from Rules 203(d), 402, 962, 910(a) (4) and 910(b) of Chapter 3: Water Pollution. An Illinois Environmental Protection Agency (Agency) recommendation to grant the variance from Rules 203(d) and 402, subject to certain conditions, was filed on June 24, 1981. Hearing was properly waived, and none was held.

Groot proposes to construct and operate a wastewater treatment plant (WTP) to be located at 6333 North Elmhurst Road, Chicago, Illinois, in order to treat wastewater from its garbage truck washing operations. It is to treat an estimated 4,800 gallons per day (GPD) of process wastewater from cleaning garbage trucks and 1,166 GPD of sanitary wastewater. The WTP would discharge to Willow Creek, which is tributary to the Des Plaines River.

The City of Chicago Department of Sewers has stated that it is not possible to connect to existing sewer lines and that it would not approve a septic system. The Metropolitan Sanitary District has stated that it would not be feasible for Groot to connect to their lines. Thus, Groot has little choice other than constructing its own WTP.

The treatment process is proposed to consist of extended aeration followed by clarification, filtration, and chlorine disinfection. Groot alleges that the WTP should be sufficient to meet the BOD₅/SS limitations of 10/12 mg/l although it would not meet the 4/5 standard of Rule 404(f). However, Rule 404(f) has now been deleted and the 10/12 standard controls. Therefore, relief from Rule 404(f) is denied as unnecessary.

The relief sought by Groot is essentially identical to that granted by the Board in Village of Bloomingdale v. EPA (PCB 78-124, 32PCB23, Nov. 2, 1978), and the Board's reasoning in that case applies here. In Bloomingdale nearly 300 dischargers to the Des Plaines and DuPage Rivers were joined in a variance proceeding

regarding depressed dissolved oxygen (DO) levels in those rivers. Demonstrations of non-contribution to violations of DO by all dischargers was held to impose an arbitrary and unreasonable hardship.

The Board finds that flows involved here are small and the quality of the effluent should be good. The Board finds that there would be little or no adverse environmental impact. Using the same reasoning for Groot as for the joined parties in Bloomington, the Board concludes that a denial of variance from Rules 203(d) and 402 as they relate to DO, would constitute an arbitrary and unreasonable hardship. Variance from these rules should be sufficient to give Groot its requested relief. Variance from Rules 910(a)(4) and 910(b) is, therefore, denied as unnecessary.

Pursuant to Section 208 of the Federal Water Pollution Control Act, the Northeastern Illinois Planning Commission (NIPC) has developed an areawide wastewater treatment management plan for the northeastern Illinois area which includes the portion of Cook County where Groot is located. Therefore, under Rule 902(j)(4) of Chapter 3 of the Board's regulations, Groot must obtain a revision of that plan to include its discharge prior to Agency approval of construction or operating permits.

The Board notes that no specific length of time was requested for variance, and the Agency made no specific recommendation in that regard. However, the Board will set a limiting date in conformity with other such variances.

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

ORDER

1. C. Groot Automatic Disposal Co., Inc. is hereby granted variance from Rules 203(d), and 402 of Chapter 3 of the Board's Rules and Regulations as they relate to dissolved oxygen water quality until October 19, 1983, subject to the following conditions:
 - a. Groot shall obtain a modification to the NIPC wastewater treatment management plan.
 - b. Groot shall operate its treatment plant using the best practicable operation and maintenance practices.
 - c. Within 45 days of the date of this Order Groot shall execute and forward to the Board and to the Illinois Environmental Protection Agency, Water Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706, a Certification

of Acceptance and Agreement to be bound to all terms and conditions set forth in the Order. The 45 day period shall be held in abeyance during any period in which this matter is being appealed. The form of Certification shall be as follows:

_____ hereby accepts and agrees to
Petitioner
be bound by all terms and conditions of the order
of the Pollution Control Board in PCB #81-83,
dated _____.

Petitioner

By _____, authorized agent

Title

Date _____

- 2. Groot is denied variance from Rules 404(f), 910(a)(4) and 910(b) of Chapter 3: Water Pollution.
- 3. Groot shall obtain the necessary construction and operating permits from the Illinois Environmental Protection Agency.

IT IS SO ORDERED.

Mr. Anderson abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9th day of July, 1981 by a vote of 4-0.

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