

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1976

NORTH SHORE SANITARY DISTRICT,)
)
) Petitioner,)
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) v.) PCB 76-26
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) ENVIRONMENTAL PROTECTION AGENCY,)
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) Respondent.)

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

On January 26, 1976 the North Shore Sanitary District (NSSD) filed before this Board its Petition for Extension of Variance from Rule 404(f)(ii) of the Board's Water Pollution Control Regulations. The Environmental Protection Agency (Agency) filed its Recommendation on March 1, 1976.

The North Shore Sanitary District is seeking an extension of the variance granted by this Board in PCB 74-413 (16 PCB 21, March 6, 1976). The Board finds that those same factors which led to the original variance in PCB 74-413 warrant an extension of that variance. The only concern of this Board is to make sure that any delay in the completion of the Gurnee Plant was not self imposed. At the time of the prior variance, NSSD expected the availability of secondary treatment by October 1, 1975. However, NSSD now states, according to the Agency, that such treatment would not be available until February 29, 1976. The Agency has determined that equipment delivery delays were the major factor in this schedule change.

In PCB 74-413, 16 PCB 21, 22, the Board concluded:

"We therefore grant the variance for the period October 1, 1975 until a year from today, March 6, 1976, at which time, upon a showing that the Gurnee plant is in compliance with the terms of this Order, Petitioner may be granted an extension.

The North Shore Sanitary District assures the Board that it is or will be in compliance with the terms of the prior Board Order. Further, the delay in this matter will not result in the discharge of any pollutant into the Des Plaines River in excess of what was originally contemplated in PCB 74-413. In the original variance matter NSSD wished to discharge into the Des Plaines from October 1, 1975 to December 1, 1976. NSSD's present variance states that such discharge need only occur from February 29, 1976 to December 31, 1976; a considerably shorter period. The only effect of the new schedule will be to delay the diversion of effluent from Lake Michigan to the Des Plaines River. As this delay has been shown to have arisen from sources beyond the control of NSSD, this Board finds no reason to deny a variance which would allow the elimination of a significant source of contamination of Lake Michigan. In granting this variance the Board will retain the conditions expressed in the prior variance, PCB 74-413.

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


ORDER

Petitioner, North Shore Sanitary District, is granted a Variance from Rule 404(f)(ii) of the Water Pollution Regulations for its Gurnee plant from March 6, 1976 until December 31, 1976 subject to the following conditions:

1. Effluent from this plant shall not exceed 20 and 25 mg/l of BOD₅ and suspended solids respectively.
2. Petitioner shall file monthly reports with the Environmental Protection Agency during the course of this Variance, indicating the concentrations of BOD₅ and suspended solids in its effluent.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 25th day of March, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board