

ILLINOIS POLLUTION CONTROL BOARD
November 1, 1979

HOERNER WALDORF,)
Division of Champion)
International, Inc.,)
)
Petitioner,)
)
v.) PCB 79-175
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

Petitioner has requested a variance from Rules 203(d) and 402 as it pertains to dissolved oxygen, 902(i)(1), and 404(f) of Chapter 3: Water Pollution. The Agency recommends that a variance be granted. The Board hereby grants the Agency's motions to extend time to file and to file its Recommendation instanter. Petitioner has waived a hearing in this matter.

Hoerner Waldorf operates a corrugated paper container manufacturing plant near Joliet along with its own sewage plant which treats domestic and industrial wastes. Effluent from the plant is discharged into the Des Plaines River. Petitioner's Discharge Monitoring Reports indicate that Petitioner is violating the dissolved oxygen water quality standards of Chapter 3. Petitioner would not have needed relief from these standards if it had not been inadvertently omitted from the list of affected dischargers in Village of Bloomingdale v. EPA, PCB 78-124, 31 PCB 125, October 19, 1978. Petitioner has asked and the Board agrees that the record from the Bloomingdale proceeding be incorporated into this matter.

Without a variance Petitioner's only alternative is termination of its discharge or construction of additional treatment facilities to eliminate all deoxygenating wastes. The Board concludes that the hardship and expense associated with this alternative outweighs any environmental improvement which would result; consequently, the hardship would be arbitrary and unreasonable.

The reasoning in Bloomingdale must be employed in this matter to avoid inequitable results. Relief will also be granted from Rules 910(a)(4) and 910(b) so that the Agency may issue an NPDES permit to Petitioner. Rather than grant relief for five years as the Agency has recommended, the Board will limit this variance to the same term as Bloomingdale for consistency.

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

ORDER

- 1) The Agency's motions to extend time to file and for leave to file its Recommendation instanter is hereby granted.
- 2) Petitioner is hereby granted a variance from Rules 203(d), 402 (as it pertains to dissolved oxygen), 902(i)(1), 910(a)(4) and 910(b) of Chapter 3: Water Pollution, until October 19, 1983,
- 3) Petitioner is hereby granted a variance from Rule 404(f) of Chapter 3: Water Pollution until October 19, 1983 or until the Board takes final action in R77-12, Docket C, whichever occurs first.
- 4) During the term of this variance the discharge of treated sewage from Petitioner's facilities shall be limited to 10 mg/l BOD₅ and 12 mg/l suspended solids as 30 day averages.
- 5) The Agency is hereby authorized to issue a NPDES permit to Petitioner in a manner consistent with the terms of this Order including terms and conditions consistent with best practicable treatment, operation and maintenance of Petitioner's facilities.
- 6) Within 45 days of the date of this Order, Petitioner shall execute a Certification of acceptance and agreement to be bound by all the terms and conditions of this variance. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance if this matter is appealed. The form of the Certification shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order in PCB 79-175 hereby accept that Order and agree to be bound by its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

Mr. Goodman abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 1st day of November, 1979 by a vote of 3-0.

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