

The relief sought by CSTP is identical to that granted by the Board in Village of Bloomingdale v. EPA (PCB 78-124, 32PCB23, Nov. 2, 1978), and the reasoning of that case applies here. In Bloomingdale nearly 300 dischargers to the DuPage and Des Plaines Rivers were joined in a variance proceeding regarding depressed dissolved oxygen (DO) levels in those rivers. Demonstrations of non-contribution to violations of DO standards by all dischargers was held to impose an arbitrary and unreasonable hardship, especially since those standards might have been changed by a then pending regulatory proceeding (R77-12, Docket C). Despite the fact that R77-12 has now been decided and the 4/5 (BOD₅/SS) standard has now been dropped, the Agency has not argued that that decision changes the reasoning, nor has it presented any evidence concerning present water quality in the affected rivers. However, based upon that reasoning the Board finds that denial of the variance with respect to Rules 203(d) and 402 of Chapter 3 would constitute an arbitrary and unreasonable hardship. Further, based upon the effluent quality of the proposed CSTP and its minimal discharge, the Board finds that there will be little or no environmental impact.

The Board will not set effluent limitations on the CSTP because the record does not give sufficient information to do so. However, it is expected that the plant will operate in reasonable conformity with the design concentrations.

Finally, the CSTP will be located in the Plainfield Facility Planning area which is included in the Northeastern Illinois Planning Commission's 208 Plan. Under Rule 902(j)(4) of Chapter 3, CSTP must obtain a revision of that plan to include its discharge prior to Agency approval of construction or operation permits.

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

ORDER

Convent Sewage Treatment Plant is hereby granted a variance from Rules 203(d) and 402 of Chapter 3 as they pertain to dissolved oxygen until October 23, 1983 subject to the following conditions:

1. CSTP shall obtain a revision of the areawide water quality management plan consistent with this variance to include its proposed sewage treatment plant in this plan.
2. CSTP shall, at such time as the Plainfield sewer system becomes available, connect to this system and abandon its sewage treatment plant after obtaining all necessary permits.

3. Within 45 days after the Board Order, the CSTP shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance and Agreement to be bound by all conditions of this Variance. This forty-five day period shall be stayed if CSTP seeks judicial review of this Variance. The form of said Certification shall be as follows:

CERTIFICATION

I, _____, having read the Order of the Illinois Pollution Control Board in PCB 81-6, Dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner
_____, Authorized Agent
_____, 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 was adopted on the 16th day of April, 1981 by a vote of 5-0.

Christan L. Moffett, Clerk
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Illinois Pollution Control Board