

regulatory changes may remove the need for some of this litigation."

The Board hereby incorporates the record and its findings and conclusions in Bloomingtondale in the record of this matter.

Petitioner has indicated that it can meet the 10 mg/l BOD and 12 mg/l suspended solids effluent limitations which were applied to the majority of dischargers in Bloomingtondale.

Without a variance Petitioner's only alternative is termination of its discharge or construction of additional treatment facilities to eliminate all deoxygenating wastes. Petitioner contends that the hardship and expense associated with this latter alternative far outweighs any environmental improvement which would result.

The Board concludes that denial of this variance would constitute arbitrary or unreasonable hardship on Petitioner. The reasoning in Bloomingtondale must be employed in this matter to avoid inequitable results. Relief will also be granted from Rules 404(f), 902(i)(1)(iii), 910(a)(4) and 910(b) so that the Agency may issue a NPDES permit to Petitioner.

Petitioner and the Agency asked that the variance run for a five year term. In order to maintain consistency with the Order in Bloomingtondale, the variance shall also terminate on October 19, 1983.

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

ORDER

- 1) Petitioner is hereby granted a variance from Rules 203(d), 402 (as it pertains to dissolved oxygen), 902(i)(1)(iii), 910(a)(4) and 910(b) of Chapter 3: Water Pollution, until October 19, 1983.
- 2) 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.
- 3) During the term of this variance the discharge from Petitioner's wastewater treatment facility shall be limited to 10 mg/l BOD and 12 mg/l suspended solids as 30 day averages.
- 4) 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.

- 5) 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.

CERTIFICATION

I (We), _____, having read and fully understanding the Order in PCB 79-89 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

Dr. Satchell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22ND day of June, 1979 by a vote of 4-0.

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