

ILLINOIS POLLUTION CONTROL BOARD  
February 7, 1980

PARK FOREST SOUTH UTILITIES COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB79-237  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board upon the November 13, 1979 Petition for Renewal of Prior Variance from Rule 402 with respect to dissolved oxygen and Rule 404 (f) of Chapter 3: Water Pollution. The Agency has recommended that the variance be granted subject to conditions. No hearing was held.

Petitioner is a privately owned utility company which provides water and sewer services to the Village of Park Forest South and a portion of the Village of Monee. Its sewage treatment works consist of a biological treatment unit of a complete mix activated sludge type with secondary clarification and a tertiary treatment unit of microstrainers and dual media filters with chlorination before discharge. Waste sludge goes to sludge digesters and then to sludge drying beds. Effluent from the works flows into Deer Creek, classified as an intermittent stream, which begins 4.2 miles upstream from the plant, and Deer Lake which is a shallow lake covering approximately 25 acres. Petitioner's plant is located within the portion of Illinois subject to the areawide waste treatment management plan developed by the Northeastern Illinois Planning Commission (NIPC) pursuant to §208 of the Clean Water Act.

The Board granted a variance to Petitioner on July 7, 1977 pursuant to Rule 404 (f) of the Board's Water Regulations for its sewage treatment plant discharges to Deer Creek (PCB 77-103). Petitioner was permitted to discharge effluent at a concentration of 10 mg/l BOD<sub>5</sub> and 12 mg/l suspended solids rather than the 4 mg/l BOD<sub>5</sub> and 5 mg/l suspended solids standards. Petitioner has complied with the 10/12 standard in its variance from the date of issuance.

On October 19, 1978, the Board granted to the Village of Bloomingdale and approximately 280 individual parties within the NIPC area a variance for relief from Board Rules 203 (d), 402 as it applies to dissolved oxygen, 962(a) and 902(i)(1) (See Bloomingdale v. EPA, PCB 78-124). That variance was similar to Petitioner's July 7, 1977 variance granted by the Board and Petitioner's modified NPDES permit which was consistent with that order. Petitioner would most likely have been a party included in the Bloomingdale decision if its previous variance had not been in effect at the time.

The Board concludes that denial of a variance would constitute arbitrary or unreasonable hardship. The relief sought by Petitioner is identical to the relief granted by the Board in Bloomingdale. The reasoning in that case must be employed in this matter to avoid inequitable results. Relief will also be granted from Rules 902 (i) (1), 910 (a) (4) and 910 (b) so that the Agency may issue a renewed NPDES permit to Petitioner consistent with the terms and conditions of the variance relief. Rather than grant relief for five years as Petitioner has requested, the Board will limit the variance to the same terms as Bloomingdale for consistency.

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

#### ORDER

It is the Order of the Board that:

- 1). Petitioner is hereby granted a variance from Rules 203 (d) and 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.

- 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 of treated sewage from Petitioner's facilities shall be limited to 10 mg/l BOD<sub>5</sub> 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. The form of the Certification shall read as follows:

CERTIFICATION

I, (We), \_\_\_\_\_, having read and fully understanding the Order in PCB 79-237 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

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 7<sup>th</sup> day of February, 1980 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board