

ILLINOIS POLLUTION CONTROL BOARD
March 24, 1983

DEPARTMENT OF THE ARMY,)
)
) Petitioner,)
)
) v.) PCB 83-25
)
) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On February 28, 1983 the Department of the Army filed a petition for variance from the (presumably) water quality standards for "ammonia nitrogen, unnatural turbidity, dissolved oxygen, and other pollutants which have not been shown to pose severe environmental or human hazard" (Pet., p. 2). The Army Corps of Engineers seeks a five-year variance in order to allow for bankline or open water disposal of sediment dredged from "the entire Illinois Waterway between miles 80.2 and 230.2" (Ibid.) (as opposed to otherwise required confined, upland disposal of such materials.)

Generally speaking, the Army would appear to be seeking a "pass" for any dredging-related disposal actions it cares to take in a 150 mile river stretch within the next five years. The Board is incapable of granting such a non-specific "sweeping" variance, particularly based on the sketchy information provided.

This petition fails to address, with specificity, the informational requirements of 35 Ill. Adm. Code 104.121 and 104.122, and fails to contain the unconditional hearing request or waiver (accompanied by affidavit) required by Section 104.124.

More particularly, the petition specifically requests that "bankline or open water disposal of dredged material be allowed at all sites except where predredging on-site-inspection (sic) shows other procedures to be cost-effective and environmentally sound." The Board notes that the petition does not indicate where, in the next five years along a 150 river mile stretch, the Army anticipates performing dredging and subsequent bankline or open water disposal activities.* The petition contains no plan for ultimately achieving compliance at such locations in the event that variance is granted.

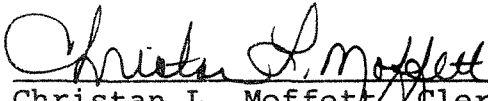
*The Board notes that the petition as submitted would require the Agency, pursuant to Section 37(a) of the Act, to give notice of this petition to the legislators representing, and the citizens of some 22 counties.

As to arbitrary or unreasonable hardship, while general costs of confined upland disposal are alleged, no results of investigation of compliance alternatives are presented.

If an amended petition remedying these deficiencies is not filed by the Army within 45 days of the date of this Order, this petition will be subject to dismissal.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of March, 1983 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board