

ILLINOIS POLLUTION CONTROL BOARD

April 25, 1972

CITY OF CANTON

v.

ENVIRONMENTAL PROTECTION AGENCY

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# 72-36

Opinion and Order of the Board (by Mr. Currie):

The City of Canton filed a Petition for Variance on January 31, 1972, seeking a one-year extension from the time schedules established in Section 14 of Rule 1.08 of Article 1 of the Rules and Regulations SWB-14, dated March 5, 1968, requiring the construction of improved municipal sewage treatment facilities to meet the SWB-14 water quality standards by July 1, 1972. The Environmental Protection Agency's recommendation states that the City's treatment plant serves about 14,000 persons and, in addition, receives wastewater from two major industries, a dairy and an International Harvester plant; that the dairy's wastewater is approximately 60,000 gallons per day and Harvester's approximately 475,000 gallons per day; and that the plant is an activated sludge plant designed to treat an average flow of 1.78 mgd with a maximum capacity of 2.7 mgd.

The City states that it had undertaken the preparation of plans and specifications for the plant improvements, and had arranged the financing and acquired the necessary land to implement the program. It further states that on or before July, 1971, it became aware of newly developed and revised design criteria adopted by the Environmental Protection Agency requiring that algae be removed from lagoon effluent, and that it must now re-evaluate its plans and specifications and study additional engineering data before embarking upon a revised program designed to meet the new requirements.

The Agency recommends that the variance be granted on the condition that the City installs and operates interim chlorination facilities as soon as possible, submits a firm timetable for the completion of all the proposed improvements (including a provision for increasing the capacity of its Eleventh Street Lift Station to prevent flow backups), and that the practice of by-passing raw sewage to Big Creek, tributary to Spoon River and the Illinois River, be discontinued.

We agree with the Agency that Petitioner's request for a one-year extension is reasonable, especially in view of the fact, noted by the Agency in its recommendation, that the City has already submitted, and the Agency has already approved, a preliminary engineering report regarding the upgrading of its sewage treatment plant, which report includes provisions for addition of an aerated lagoon, for removal of algal cells and for chlorination of the final effluent. We must, however, have prompt assurances that the final improvements will meet the deadlines established in the Board's new Water Quality Standards (R 71-14, adopted March 7, 1972) and that interim chlorination facilities are installed and operated, cf. Park Manor Town House Apts. v. EPA, #72-28 (April 17, 1972); EPA v. John T. LaForge Co., # 70-39 (April 28, 1971), in order to avoid the possibility of immediate health hazards developing.

ORDER

The City of Canton is hereby granted a variance for one year from the time schedule contained in Section 14 of Rule 1.08 of Article 1 of SWB-14, dated March 5, 1968, insofar as it establishes a schedule of construction of municipal treatment works improvements to adequately meet the SWB-14 water quality standards by July 1, 1972, on the following conditions:

- (1) Petitioner shall, within 45 days of the date hereof, provide the Agency and the Board with a firm timetable for completion of its proposed plant improvements, showing that it will be in compliance with the deadlines established in the water pollution regulations (R 71-14, adopted March 7, 1972) adopted by the Board which pertain to municipal sewage treatment facilities;
- (2) Petitioner shall include in its plan provisions for increasing the capacity of its Eleventh Street Lift Station in order to prevent flow backups;
- (3) Petitioner shall install and operate interim chlorination facilities as promptly as feasible;
- (4) Petitioner shall forthwith discontinue the practice of by-passing raw sewage to Big Creek;
- (5) Petitioner shall within 45 days of the date hereof post a performance bond in a form and with a surety satisfactory to the Agency, in an amount equivalent to the estimated cost of construction of the proposed facilities.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 23 day of April 1972 by a vote of 5-0.

*Christan Moffett*