

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1980

VILLAGE OF ALTO PASS,)
)
 Petitioner,)
)
 v.) PCB 80-33
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

GEORGE HARRIS OF THE SOUTHERN ENGINEERING CORPORATION AND MICHAEL COLEMAN, THE ALTO PASS WATER SUPERINTENDENT, APPEARED ON BEHALF OF THE PETITIONER.

RICHARD WARRINGTON APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the February 15, 1980 petition of the Village of Alto Pass for variance from the 12 mg/l total suspended solids (TSS) limitation of Rule 404(c) and from Rule 902(i)(1)(iii) of Chapter 3: Water Pollution (Chapter 3). The Environmental Protection Agency (Agency) filed its Recommendation in support of this petition on March 25, 1980. Two written objections to the quality of the drinking water were timely filed and received by the Board; however no members of the public were present to comment at the public hearing held on May 30, 1980.

The Village of Alto Pass, located in Union County, operates a public water supply facility which treats an average of 50,000 gallons of water from the Village's reservoir daily. The Village's water treatment plant discharges filter backwash wastewater and settling tank solids into a nearby unnamed stream. The Village's last NPDES permit, which expired December 31, 1978, contained an effluent limitation of 12.5 mg/l for TSS. The Village has not filed discharge monitoring reports since June, 1978, but the Agency agreed that a reasonable estimate of the Village's current TSS discharge is from 250 to 300 mg/l. (Pet. 1-2, Rec. 2-3).

The Village has applied for and received funding from the Farmers Home Administration to construct a water transmission main that would allow Alto Pass to purchase water from the Anna-

Jonesboro Water Commission. Upon completion of this project in some eighteen to twenty-four months, the Village plans to abandon its water treatment facility. Variance is sought in order that an NPDES permit may be issued during the two year interim period (Pet. 3, R. 3-4).

In support of its petition, the Village asserts that it has had difficulty in securing financing improvements for its existing facility, and that it has not been able to repay the original loan for the treatment plant. It alleges that it would be unreasonable to require improvements to the existing facility, as that would divert scarce funds from the new project. The Agency concurs, and, despite the fact that the Village has not addressed the issue of environmental impact, the Agency has approved the compliance program (Pet.4, Rec.2).

The Board finds that denial of variance to allow operation of the existing facility pending completion of the transmission main would impose an arbitrary and unreasonable hardship on the financially-pressed Village. Accordingly, variance from Rule 404(c) of Chapter 3 is granted, subject to the conditions outlined in the attached order. Variance from Rule 902(i)(1)(iii) is unnecessary, as that relates solely to Agency procedures. (It should additionally be noted that this Rule will shortly be deleted by entry of a final order adopting the changes proposed in R79-13.)

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

ORDER

1. The Petitioner, the Village of Alto Pass, is hereby granted variance from Rules 404(a) of Chapter 3: Water Pollution, subject to the following conditions:
 - A. This Variance shall continue until January 1, 1982, or until such earlier time as the Village's treatment plant is abandoned.
 - B. The Village shall fulfill all requirements of its NPDES permit, and, in particular, shall file timely discharge monitoring reports.
 - C. The Village shall submit plans and specifications for the construction of its proposed water transmission main to the Agency within four months of its receipt of the funding award from the Farmers Home Administration, and shall expeditiously pursue construction after receiving the necessary Agency permits.
2. Within 45 days of the date of this Order, the Village of Alto Pass shall execute and forward to the Illinois Environmental Protection Agency, Division of Public Water Supply, 2200 Churchill

Road, Springfield, Illinois 62706, an executed Certification of Acceptance and Agreement to be bound by all conditions of the variance. The forty-five day period herein shall be stayed during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 80-33, dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner


by: _____, 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 were adopted on the 10th day of July, 1980 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board