ILLINOIS POLLUTION CONTROL BOARD May 1, 1980

CITY	OF	PINCKNEYVILLE,)	
		Petitioner,)	
		v.)	PCB 80-8
ILLIN	OIS	ENVIRONMENTAL PROTECTION AGENCY,)	
		Respondent.)	

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

On January 10, 1980 Petitioner filed petition for a variance from the limitations for suspended solids contained in Rule 404(c) of Chapter 3: Water Pollution and from Rule 902(i)(1)(iii) of Chapter 3, which would allow the Illinois Environmental Protection Agency (Agency) to issue a modified NPDES permit. On February 25, 1980, Petitioner filed an Amended Petition. The Agency, in its Amended Recommendation filed April 3, 1980, finds the granting of the variance inappropriate and recommends a denial of the petition. Hearing was waived.

Petitioner owns and operates a water treatment plant which supplies water for approximately 5,200 people. Waste streams from the treatment process result from backwash of the filters and from discharges of settling tanks. The concentration of SS there exceeds the limits of 15 mg/l set forth in Petitioner's NPDES Permit No. IL0050822. The plant presently discharges to Beaucoup Creek, a general use stream, which is upstream from the Big Muddy River and the Mississippi River. Petitioner has no present facilities for controlling the wastewater discharges from the water treatment plant.

Petitioner instituted a project to achieve compliance with its NPDES Permit's daily maximum suspended solids concentration limitations of 15 mg/1 by July 1, 1977. The project was not implemented because of lack of funding. Petitioner is currently in the Step 1 phase of its Municipal Wastewater Treatment Works Construction Grants program for upgrading its sewage plant and system but has failed to submit a Facilities Plan or a Sewer System Evaluation Survey. It is estimated that grant monies for upgrading of Petitioner's sewage plant and sewer system will not be available for several years. Petitioner's grants project priority number is 1,185 for FY 1980.

Petitioner contends that a \$40,000 to \$50,000 savings would be realized by incorporating cost of improvements of the water treatment plant into a combined water and sewage treatment plant bond issue. Petitioner does not, however, demonstrate how these alleged savings will be realized through granting of the variance.

Petitioner claimed in its Amended Petition development of a compliance plan for the water treatment plant was delayed because results from the Sewer System Evaluation Survey and the Facilities Plan had not been These Step 1 procedures will not be completed obtained. Summer of 1980. Yet Petitioner states until it will immediately initiate a design of the facilities as indicated in the Petition's Time Schedule for Compliance without these final plans. Petitioner's current ability to proceed with design of the facilities without finalized plans indicates that the design could have been at an earlier date.

Petitioner had made no effort to achieve compliance until renewal of its NPDES Permit was denied by the Agency on November 30, 1979. Petitioner's construction permit, obtained in March, 1977, expired in March, 1978. Claims of attempts to finance the facility have not been substantiated. Furthermore, given Petitioner's delay, expenditures by Petitioner to come into compliance with the total suspended solids limitations of its permit may not be deemed a hardship.

The Board concurs with the Agency Recommendation in this matter and denies the variance. Petitioner has advanced no new arguments or issues in the Amended Petition.

The Agency's motion to file its Amended Recommendation instanter is granted.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner's request for a variance from the limitations for suspended solids contained in Rule 404(c) of Chapter 3: Water Pollution, and from Rule 902(i)(1)(iii) allowing the Agency to reissue a modified permit, be denied.

I, Christan L. Moffett, Clerk of the Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15 day of , 1980 by a vote of 50

Illinois Pollution Control Board