

total treatment capacity of the City amounts to approximately 28,000 P.E. The population of the City is about 4,200. However, eighty percent of the organic loading on the facilities are due to industrial, not residential, contributors. (R. 24-25). The City's effluent does not meet current limitations because of the large amount of organic loading to the treatment facility (R. 18).

There are two separate aspects of the City's compliance plan. First, the City intends to enforce a pretreatment ordinance, which is currently on the books, so that industrial discharge to the City's system will consist of "normal strength sewage" (R. 21, 27). Secondly, the City proposes to add an additional treatment plant which will expand the City's treatment capacity by 10,000 P.E. At hearing, an engineer testifying on behalf of the City, stated that if the large amount of industrial organic loading from two industrial dischargers were removed from the system, the City could meet its current effluent limits. However, the engineer stated that even if the organic loading problem was solved, the expansion of the City's treatment facility would still be necessary from a hydraulic standpoint. (R. 26). Agency personnel concurred with this assessment. (R. 65).

The two major industrial contributors to the City's treatment system are McCleary Industries (McCleary) and Pate Foods (Pate). Both companies are snack food manufacturers. McCleary's discharge averages a BOD₅ content between 2,500 to 3,000 mg/l. The concentration for TSS is near 2,000 mg/l. Through the addition of a treatment system McCleary hopes to bring the concentration down to 300 mg/l for both BOD₅ and TSS. Such a level is what the City would require by its ordinance. (R. 36-39). According to the City's Amended Petition, compliance with the City's limits will be attained by McCleary by 1988. (Am. Pet. p. 5). At hearing, a representative for McCleary stated that if McCleary implemented a total treatment, costing about one half million dollars, it could reduce the concentration of BOD₅ and TSS to 30 mg/l. With such a concentration, McCleary claims that it could discharge directly into the Rock River and not have to discharge to the City's treatment system. According to McCleary, such an option is dependent upon McCleary's ability to gain access to the river (R. 43).

Pate is currently discharging effluent into the City's system which has an average BOD₅ concentration of about 4000 mg/l. The TSS concentration is generally between 2,500 and 3,500 mg/l. It is currently discharging 40,000 gallons per day (R. 46-47). Pate is changing its manufacturing process in order to reduce the quantity and improve the quality of its discharge. After the changeover, which should be completed by February, 1988, Pate expects to discharge 5,000 gallons per day of "normal strength" sewage. (R. 51-52).

According to the Amended Petition, the City's expansion of the treatment facility, which will add an additional 10,000 P.E. to the present capacity, will be completed by June of 1988. (Am. Pet. p. 2). However, the City is requesting that it be allowed to extend sewer service to various commercial and residential developments during the period of the variance. Specifically, it would like to hook-up to the current treatment system an additional flow of 100,000 gallons per day which would represent an extra load of 170 pounds of BOD₅ and 200 pounds of TSS. (Pet. p. 3). This additional flow would equate to 1,000 P.E. (R. 23). The City claims that the new commercial developments include firms which employ from four to eight people as well as 40 to 50 unit motel complexes. The City claims that these additions during the variance period would not cause exceedances of the proposed 30/35 standards and that once the treatment facility expansion is completed, the City will have more than enough capacity to handle the additions. (Pet. p. 3).

Environmental Impact

According to the City, the variance, if granted, would have minimal environmental impact. The City's treatment facility discharges into the Rock River. The Rock River has a 7-day, 10-year low flow of 509.0 MGD. According to the City, the portion of the Rock near the City's discharge is not known for its game fish or contact use. The City asserts that rough fish currently constitute the major fish present in the river, although pan fish and some game fish are periodically identified. The City also points out that the City of Beloit, Wisconsin has a wastewater treatment facility that discharges at 30/30 limits in the Rock River upstream of the City. (Am. Pet., p. 2). In its Recommendation, the Agency notes that the Beloit, Wisconsin discharge constitutes 7.7 MGD. (Ag. Rec., p. 5). The City's treatment facility has a design average flow of 2.2 MGD. (Ag. Rec., p. 2).

The Agency agrees with the City that the variance would not cause a significant environmental impact. According to the Agency, the Rock River "would continue to assimilate South Beloit's effluent which would be subject to 30/35 limits." (Ag. Rec., p. 5).

Findings

The Board notes that the City's NPDES permit limits of 20/25 became effective in April, 1985. (Ag. Rec., p. 4). On May 22, 1986, the Agency held a pre-enforcement conference with the City concerning its BOD₅ and TSS effluent levels. (Pet. p. 1). Subsequent meetings have led to the filing of this variance. It is apparent from the record before the Board that the City, McCleary, and Pate have all made good faith efforts to find methods by which the City can ultimately achieve compliance. It is heartening for the Board to see such cooperation between

industry and local government as they work together for betterment of the environment.

The Board concurs with the Agency's conclusion that a variance in this instance would not cause any significant environmental harm. If the City enforces its pretreatment ordinance and the two industries pretreat their effluent according to their testimony at hearing, the extent of the organic loadings upon the City's treatment facility will be diminished greatly. Also, if the City expands its treatment facility to increase its capacity by 10,000 P.E., the City will be able to allow increased commercial and industrial development without compromising environmental quality in the process. Given the circumstances of this case and the fact that the City is requesting the variance only until July 1, 1988, the Board finds that a denial of the requested variance would constitute an arbitrary or unreasonable hardship. Therefore, the Board will grant the City a variance subject to conditions.

In its Recommendation, the Agency requested that if the Board grants the City a variance, the Board should include as a condition to that variance a requirement that the City participate in the Agency's pretreatment program. The Agency asserts that as a participant, the City would have to develop procedures to monitor compliance with its pretreatment ordinance as well as actually monitor the pretreatment and report to the Agency the results of the monitoring. (R. 60). The City asserts that it can handle the pretreatment situation on its own without Agency involvement. (R. 79). At hearing, the Agency stated that a review process will be conducted by the U.S. Environmental Protection Agency (USEPA) to determine whether communities such as the City will need to be included in the pretreatment program. The Board finds no reason to interfere with that process by requiring the City's participation in the Agency pretreatment program as a condition to its variance.

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

ORDER

The Board hereby grants the City of South Beloit (City) variance from the effluent limits of 35 Ill. Adm. Code 304.120 and from 309.241 subject to the following conditions:

- 1) This variance shall begin on June 10, 1987 and end on July 1, 1988.
- 2) The City shall be subject to monthly average effluent limits of 30 mg/l for five day biochemical oxygen demand (BOD₅) and 35 mg/l total suspended solids (TSS).
- 3) The City shall enforce its pretreatment ordinance to the fullest extent of the law.

- 4) The City shall construct an expansion of its wastewater treatment facility consistent with the proposal presented to the Board by the City in this proceeding.
- 5) The City is granted variance to Section 309.241 to the extent that it may extend its sewers so as to add to its wastewater treatment system an untreated waste load of no more than 1,000 P.E. during the variance period.
- 6) The City shall timely apply to the Agency for all permits necessary to comply with this Order and the laws and regulations of the State.
- 7) The City shall conduct monitoring according to procedures set forth in its permits.
- 8) Within forty five (45) days after the date of this Order the City shall execute and send to:

Mr. Tom Davis
 Attorney, Enforcement Programs
 Illinois Environmental Protection Agency
 2200 Churchill Road
 P.O. Box 19276
 Springfield, IL 62794-9276

CERTIFICATION

The City of South Beloit hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 86-213 adopted June 10, 1987.

City of South Beloit

By: _____
 Name

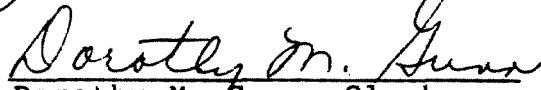
 Name

 Date

IT IS SO ORDERED.

B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 10th day of June, 1987, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board