

ILLINOIS POLLUTION CONTROL BOARD  
February 9, 1984

VILLAGE OF SAUGET, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 83-146  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On January 19, 1984, Sauget moved for reconsideration of the Board's Opinion and Order of December 15, 1983, granting variance and establishing certain effluent limitations. The Agency has filed no response to this motion, and has advised a member of the Board's staff that it does not intend to do so.

Sauget requests reconsideration and modification of the Board's Order in two aspects: raising of the interim limits for oils, phenols, BOD and TSS, and grant of variance from the daily maximum limits for nickel and lead. Both requests are essentially premised on the assertion that "the available monitoring data for the plant effluent do not indicate any trend, but rather a random scattering of data," and that "the 1982 and 1983 discharge data may reflect the depressed economic and business conditions of the industries served by the Village" (Motion, ¶ 5, 11). In support thereof, Sauget cites monitoring data showing higher discharge levels collected after August, 1983, which was the last month from which reports were included in the Agency's Recommendation (see Opinion, p. 3). Sauget therefore asserts that "the levels chosen by the Board are not consistently achievable and leave the Village exposed to a substantial risk of being unable to comply with the interim limitations of the December 15 order" (Motion, ¶ 4). Sauget has therefore suggested alternative interim limits for BOD, TSS, oil, and phenol which are between those recommended by the Agency and those ordered by the Board, asserting that such limits could be met with 98% confidence (Motion, ¶ 8). As to lead and nickel, Sauget requests that the respective 2.68 mg/l and .78 mg/l daily maximum limits from prior variances be reimposed.

Sauget correctly perceives that on December 15, the Board imposed lower interim limits for BOD, TSS, oil, and phenols based

on what appeared to be a continuing downward discharge trend. Based on the additional data supplied by Sauget demonstrating otherwise, the Board will impose the less stringent interim limits suggested by the Agency, as it is the Board's intent to impose limitations which will be complied with consistently.

As to the nickel question, the Board notes that Sauget should more properly have made its objection to the recommended total denial of variance by way of a response to the Agency recommendation. However, the requested extension of prior variance from the daily maximum limits for lead and nickel will be granted.

The Board will not specify the deletions necessary on p. 4 of its Opinion necessary to render it consistent with this Order, directing instead that the two be read in conjunction. To prevent confusion concerning the final Order in this matter, however, the Board vacates its December 15 Order in its entirety. It shall be replaced with the following:

ORDER

1. Petitioner, the Village of Sauget, is hereby granted a variance from 35 Ill. Adm. Code 304.124 as it relates to oils, phenols, and daily averages for nickel and lead, and from Section 304.120 as it relates to BOD<sub>5</sub> and TSS, until July 1, 1987 or until the American Bottoms Regional Treatment Plant becomes operational, whichever occurs first, subject to conditions as follows:

- a. Sauget's oils effluent discharge shall not exceed a monthly average of 45 mg/l.
- b. Sauget's phenols effluent discharge shall not exceed a monthly average of 15 mg/l.
- c. Sauget's BOD<sub>5</sub> effluent discharge shall not exceed a monthly average of 200 mg/l.
- d. Sauget's TSS effluent discharge shall not exceed a monthly average of 60 mg/l/
- e. Sauget's nickel effluent discharge shall not exceed a daily maximum of 2.68 mg/l.
- f. Sauget's lead effluent discharge shall not exceed a daily maximum of 0.78 mg/l.
- g. Sauget shall make every reasonable effort to complete construction of the AB RTP by April 1, 1986 and obtain operational level by April 1, 1987.

2. Petitioner's requests for variance from 35 Ill. Adm. Code 304.124 as it applies to monthly averages for nickel and lead, and from Section 304.140 as to all parameters, are denied as unnecessary.

3. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Chruchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 83-146, 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 was adopted on the 7th day of February, 1984 by a vote of 7-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board