

ILLINOIS POLLUTION CONTROL BOARD  
June 22, 1979

VILLAGE OF SAUGET, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 79-88  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

Petitioner, has requested a variance from the effluent limitations in Rule 408(a) of Chapter 3: Water Pollution pertaining to lead, nickel, and oils, fats and greases. Since Petitioner has already received a variance from the standard for oils, fats and greases (See Village of Sauget v. EPA, PCB 77-136, June 22, 1978, 30 PCB 479), Petitioner is requesting a variance from paragraph 2(a) of the Board's Order dated June 22, 1978. The Agency has recommended that a variance be granted. No hearing was held.

Petitioner has been operating a physical-chemical wastewater treatment plant since July, 1977. The plant treats approximately 9 million gallons of wastewater per day. Most of this wastewater originates with 9 industries located within the village. Petitioner is the lead municipality of the American Bottoms Regional Treatment Authority which is constructing and will operate a regional sewage treatment facility. This regional facility will accept Petitioner's wastewater, in conjunction with sewage from surrounding communities. The regional facility should be completed and operational by June 30, 1983. In PCB 77-136, the Board acknowledged Petitioner's hardship in complying with the Rule 404 and 408 effluent standards and agreed that the present physical-chemical plant should not be required to meet these standards. The regional facility will be designed to comply with these standards.

Since the Board granted Petitioner relief from Rule 408(a), Petitioner has discovered that it cannot comply with the interim standard for oils, fats and greases (58 mg/l as a monthly average), the standard for lead (0.1 mg/l), and the standard for nickel (1.0 mg/l). These discoveries are attributed to additional data derived from periodic discharge monitoring reports.

The present physical-chemical plant was designed to remove phase separable oil, not soluble oil. Consequently Petitioner knows of no effective way to reduce the present

concentrations of soluble oil. Petitioner is not aware of any increase in oil discharged by its industrial contributors. Petitioner's data show a range of 44 mg/l to 349 mg/l as monthly averages of oil from January, 1978 to March, 1979. In its Recommendation, the Agency attaches Petitioner's discharge monitoring reports for this period which show a range of 48 mg/l to 187 mg/l.

For the period from January, 1979 to March, 1979 Petitioner's data show daily maximum concentrations of lead as high as 0.74 mg/l. Petitioner has indicated one day as high as 1.10 mg/l but this was measured at an overflow outfall. Daily maximum concentrations of nickel have been recorded as high as 2.63 mg/l during the same period. Petitioner has been attempting to identify its sources of nickel and lead and has adjusted pH and added polymer and flocculants to reduce these concentrations. To date these efforts have not been particularly successful. Consequently Petitioner has agreed to retain consulting services, test additional polymers and flocculants, and check its laboratory procedures to remedy these violations.

The Board concludes that denial of a variance would constitute arbitrary or unreasonable hardship. Petitioner is unable to meet the effluent standard for fats, oil and greases and is in no position to do so. Compliance with this standard should not be expected until Petitioner's effluent is diverted to a regional plant which will employ biological treatment. The Board agrees with the Agency's suggestion that 200 mg/l as a monthly average be used as an interim effluent limitation for this parameter since Petitioner's discharge monitoring reports show that this level has been approached but not exceeded. The Agency supports Petitioner's requested interim effluent limitations for lead (0.38 mg/l monthly average and 0.78 daily maximum) and nickel (1.77 mg/l monthly average and 2.68 mg/l daily maximum). The Board agrees that these limitations represent Petitioner's present capabilities. Petitioner's program to cure its violations of these standards appears reasonable as long as it is followed. Consequently execution of this program will be required as a condition of this variance.

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 be granted a variance from Rule 408(a) of Chapter 3: Water Pollution as it pertains to oils, fats and greases and paragraph 2(a) of the Board's Order in PCB 77-136 until June 30, 1983 and from Rule 408(a) of Chapter 3: Water Pollution as it pertains to lead and nickel until May 1, 1980 on the following conditions:

- 1) During the terms of this variance Petitioner's effluent shall not exceed the following limitations:

	<u>Monthly average</u>	<u>Daily maximum</u>
Oils, fats and greases	200 mg/l	
Lead (total)	0.38 mg/l	0.78 mg/l
Nickel (total)	1.77 mg/l	2.68 mg/l

- 2) Petitioner shall continue its program outlined in paragraphs 12 and 13 of the Petition to reduce effluent concentrations of lead and nickel and shall submit quarterly progress reports to the Agency.
- 3) Within 45 days of the date of this Order, Petitioner shall execute a Certificate of acceptance and agreement to be bound by the terms and conditions of this variance. This 45 day period shall be held in abeyance if this matter is appealed. The Certificate shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Enforcement Programs, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATE

I (We), \_\_\_\_\_, having read and fully understanding the Order in PCB 79-88, hereby accept that Order and agree to be bound by all of its terms and conditions.

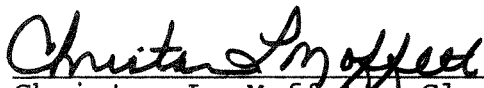
SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

The Agency is authorized to modify NPDES Permit No. IL 0021407 in a manner consistent with the terms of this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22<sup>nd</sup> day of June, 1979 by a vote of 5-0.

  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board