

ILLINOIS POLLUTION CONTROL BOARD  
August 23, 1979

CITY OF OLNEY, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 79-82  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting lies in the grant of the variance by the majority of the Board to permit further delay in the disinfection of the sewage treatment plant effluent.

The Olney sewage treatment plant was built under a 1966 permit. Its completion date is not available in this record but can be estimated as 1968. On April 1, 1968 the former Sanitary Water Board's SWB-14 Rules and Regulations on Intrastate Waters went into effect. These Rules required disinfection of sewage effluent where primary contact (swimming) or secondary contact (boating or fishing) occurred. We do not know by this record whether the unnamed tributary to the Fox River, the Fox River itself or the Little Wabash River are used for swimming, canoeing, fishing or other recreational uses. These are the streams through which the Olney sewage plant effluent flows.

On March 7, 1972 this Board adopted R71-14 which required disinfection of sewage treatment plant effluent on a year-round basis. Even if we assume that Olney was not required by SWB-14 to disinfect in 1968 then it certainly was required by Rule 405 to disinfect by July 31, 1972. This record does not give any reason for the 7-year delay between 1972 and today's date. Had Olney proceeded promptly with disinfection in 1972 the cost would have been far less than the \$20,000 quoted at today's inflated prices.

The disinfection equipment such as a sodium hypochlorite or chlorine gas feeder and necessary storage tanks can be used in a temporary setup and then relocated into a permanent plant facility. And disinfection can often be done in an outfall pipe if residence time is long enough.

Thus we have here unexplained delay, unknown uses of the receiving streams, and costs which are entirely reasonable for a community of 9,159. The Board Opinion speaks of fecal coliforms as being the sole parameter from which variance is


given. It ignores completely the fact that fecal coliforms are the proxy variable used to ensure the death of pathogenic bacteria such as typhoid, cholera, dysentery, salmonella, etc. long known to be present in human wastes discharges and dangerous to public health.

Lastly, the disinfection request was added to the original variance petition some 6 weeks later. The public would have had no notice of this additional request. Inclusion of late amendments to a variance petition should be done only when the subject matter is routine and does not involve public health.

I would have denied the variance from the disinfection requirements.

  
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Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 11<sup>th</sup> day of September, 1979.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board