

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1979

CITY OF WINDSOR,)
)
 Petitioner,)
)
 v.) PCB 79-130
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a motion filed September 20, 1979 by the Environmental Protection Agency (Agency). The motion seeks reconsideration of the Board's Order of August 23, 1979 in which the City of Windsor was granted a conditional variance from the water quality standards for dissolved oxygen contained in Rules 203(d) and 402 of Chapter 3: Water Pollution. That Order was entered on a petition and Agency recommendation after the Petitioner waived a hearing. The recommendation was to grant the variance subject to conditions. One of these conditions was that Petitioner sample the water quality of the receiving stream at two points downstream. The variance of August 23, 1979 was not conditioned upon this sampling program.

Petitioner discharges treated municipal wastewater into an intermittent stream which is tributary to Sandy Creek three to four and one half miles upstream of Lake Shelbyville. In its Step I, Facilities Plan, Petitioner has advanced three alternative control plans. One of these would involve pumping 13,000 feet into an alternative basin to avoid discharging into Lake Shelbyville. The Agency's recommendation asked that the variance be conditioned on Petitioner taking samples from the stream where Sandy Creek joins the lake and midway between that point and the discharge. The Agency asked for sampling of ammonia nitrogen, BOD and pH and measurement of velocity and flow rate in Sandy Creek and feeder streams daily for two seven day periods each summer. Dissolved oxygen was to be sampled each hour or every other hour from 8:00 a.m. to 8:00 p.m. during these periods.

Monitoring of discharges can be an essential part of sewage treatment and the cost is properly born by the users. The Board has ordered similar monitoring programs for larger facilities (City of Marion v. EPA, 33 PCB 595). However, the City of Windsor

with a population of 1126 probably does not have the resources to conduct the monitoring program requested by the Agency. It is likely that Windsor would be forced to employ an outside consultant. Windsor's average discharge of 150,000 GPD at the 10 mg/l BOD set by the variance should not have any effect three miles downstream. If the Agency doubts this, it has the personnel and facilities to undertake the monitoring itself. The Board will not require a small community to undertake an extensive monitoring program of partially treated waste where there is only a remote chance of environmental harm. The motion to reconsider is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4th day of October, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board