

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1978

CITIZENS UTILITIES COMPANY OF)
ILLINOIS,)
)
Petitioner,)
)
)
v.) PCB 78-123
)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

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

On May 1, 1978, Citizens Utilities Company of Illinois (Citizens) petitioned the Board for a Variance from the effluent limitations for five-day biochemical oxygen demand (BOD₅), suspended solids (SS), and ammonia nitrogen. More specifically, Citizens is requesting a variance from Rules 404(f), 402, and 203(f) of Chapter 3: Water Pollution. Citizens waived its rights to a hearing under Procedural Rule 401(b).

Citizens is an Illinois corporation and a public utility within the meaning of the Illinois Public Utilities Act providing water and sanitary sewer service to approximately 20,000 customers in the metropolitan Chicago area. Citizens is requesting a variance which would allow it to discharge an effluent from its West Suburban Plant No. 1 (Plant) with up to 20 mg/l BOD, 25 mg/l SS on a 30-day average, and an upper limit of 15 mg/l ammonia nitrogen. The plant discharges into Lily Cache Creek, tributary to the DuPage River. In order for Citizens to study alternative long-term solutions to violation of the Plant's NPDES permit effluent limitations, Citizens is requesting that the variance be granted through December 31, 1978.

In the past three years, Citizens has expended approximately \$220,000 to make improvements to the Plant in an attempt to meet the effluent limitations imposed by the NPDES permit, and has

taken steps to improve operating procedures. In addition, Citizens has retained Environmental Systems Corporation, consulting engineers, which has commenced an engineering study to determine (a) the reasonableness of effluent limitations contained in the NPDES permit to determine whether less stringent limitations may be appropriate; and (b) the alternative methods of compliance with the NPDES permit as presently specified.

Citizens claims that because of the complexity of the study it will take until December 31, 1978 for its completion and requests variance be granted until that time. During the variance period, Citizens proposes to exercise strict control over operations and to test possible chemical treatment techniques in order to achieve the best practicable compliance with the effluent limitations. Environmental Systems Corporation has advised Citizens that continued discharge will impose no adverse environmental impact on human, plant and animal life in the affected area because Lily Cache Creek sustains no life and in dry weather has no flows other than effluent from the Plant. The Agency made a biological survey of Lily Cache Creek in June, 1975 which showed some biological life did exist in the Creek downstream from the Plant and also concluded that the Plant was the major source of contamination in the immediate area.

Citizens asserts that unless the Board grants the requested variance and permits completion of the study, its customers and the public will suffer an arbitrary and unreasonable hardship. The Agency believes that a variance until December 31, 1978 is not justified but that a variance until September 1, 1978 is warranted. The Board will grant variance until December 31, 1978, but will order Citizens to submit their compliance plan by October 1, 1978 to allow the Agency time to consider the plan during the term of the variance.

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

ORDER

It is the Order of the Pollution Control Board that Citizens Utilities Company of Illinois be granted a variance from Rules 203(f) (ammonia nitrogen), 402 and 404(f) of Chapter 3 until December 31, 1978, subject to the following conditions:

1. Effluent from the Plant not exceed 20 mg/l

BOD, 25 mg/l suspended solids and 15 mg/l ammonia nitrogen during the period of this variance.

2. A firm compliance schedule be submitted to the Agency no later than October 1, 1978.
3. Pursuant to Rule 914 of Chapter 3, the Agency shall amend Citizens' NPDES permit so as to be consistent with the Order herein.
4. Within 45 days after the date of this Order Citizens shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois, 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of the Variance. This 45 day period shall be held in abeyance for any period during which this matter is appealed. The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-123 hereby accept said Order and agree to be bound by all terms and conditions thereof.


SIGNED _____

TITLE _____

DATE _____

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 20th day of July, 1978 by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board