

Ditch which has a 7-day 10-year low flow of 2.4 cfs. Other sewage treatment plants in the facilities planning area include (1) the Village of Savoy treatment works, on restricted status, which discharges into an unnamed, intermittent stream tributary to the Embarrass River and (2) the University of Illinois-Willard Airport treatment plant (Pet. Exh. D, pl72-3).

In accordance with the "Facilities Planning Report for Urbana and Champaign Sanitary District" (hereinafter Facilities Plan), the District will expand and improve the Southwest and Northeast treatment works to an average design flow of 5.9 and 17.3 MGD respectively; at peak capacity District facilities could completely treat an estimated 86.2 MGD (Exh. D). When this expansion is complete, the Village of Savoy and U. of I. Willard treatment facilities will be discontinued and those wastes will be transported by an interceptor to the Southwest sewage treatment plant. Upon completion of this plan, the District maintains that discharges from the District plants will meet 10 mg/l BOD₅, 12 mg/l suspended solids, 1.5 mg/l ammonia nitrogen, 1.0 mg/l phosphorus, and the 400/100 ml fecal coliform limitations of the Chapter 3 Regulations. The District also states that the plan will correct excessive infiltration and overflow problems in the District's sanitary sewer system by June 30, 1979 (Pet. p22). Total cost for completion of the District's Facilities Plan is estimated at \$33.8 million with \$25.3 million to be provided from the federal grants program. Therefore, the District must finance a balance of \$8.5 million or lose the federal grant (Pet. p4). Petitioner claims that an abatement order and a variance from the above-mentioned rules of Chapter 3 are necessary to secure financing and to complete construction in accordance with the Facilities Plan (Pet. pl7, 20, 22, 26).

On December 16, 1977, the Environmental Protection Agency filed its Recommendation favorable to a variance grant from Rule 402 (ammonia nitrogen), 403, and 405 until June 30, 1981, and from Rule 602(b) until June 30, 1979. The Agency, however, recommended that relief from Rules 404(f)(ii), 409(a), 602(c), and 602(d)(1) should be dismissed as unnecessary (Rec. p5, 6, 7). The Board agrees that relief from Rules 409(a), 602(c), and 602(d)(1) is not needed for, in this case, compliance dates for correcting sewer overflows and treatment bypass problems are presently established by regulation. Similarly, relief from the Rule 404(f)(ii) 10/12 BOD₅/SS effluent standard is provided by regulation as long as Petitioner adheres to its federal construction grant schedule. In this regard, however, the District plants obtained interim relief from the 10/12 BOD/SS requirement through Enforcement Compliance Schedule Letters which in effect revised the NPDES permits of the Southwest and Northeast plants setting BOD/SS interim limitations

at 20/25 and 25/30 respectively for the duration of the construction grants program (Rec. p2, 3; Pet. Exh. G & H).

According to the Agency Recommendation, the Urbana and Champaign Sanitary District is in violation of Rule 403 restrictions against offensive discharges (Rec. p7); it also exceeds the 400/100 ml fecal coliform standard in violation of Rule 405 (Rec. p5) and the District's revised NPDES permits (Pet. Exh. G & H). In addition, the Agency claims that excessive infiltration into sewers and sanitary sewer overflows cause violations of Rule 602(b) in the District's sanitary sewers (Rec. p8). Agency grab samples indicate that District plants discharge high ammonia nitrogen concentrations which the Agency claims is in violation of Rule 402 effluent standards. Rule 203(f) provides that ammonia nitrogen concentrations (as N) not exceed 1.5 mg/l in Illinois waters. According to the record, discharges from the Southwest and Northeast plants exceed ammonia nitrogen water quality standards in intermittent and low flow receiving streams (Rec. p2, 3), and therefore Petitioner will require relief from ammonia nitrogen limitations of Rules 203(f) as well as Rule 402.

In the past, the Board has held that where a denial of a variance would result in the ineligibility for federal construction grant funding, an arbitrary and unreasonable hardship would result. Bloomington and Normal Sanitary District, PCB 76-52, 21 PCB 376 (1976). Petitioner's Step III grant of funds for construction in accordance with the Facilities Plan was approved September 30, 1977.

The record indicates and the Board finds that the schedule of construction proposed is reasonable and will result in abatement of the existing violations when completed. The Board further finds that the interim effluent limitations contained in the Petitioner's NPDES permits are adequate and will not be exceeded during the period of construction if the existing facilities are maintained and operated in accordance with the permits and sound practice. The Board will therefore grant the Petitioner a variance for its Southwest and Northeast sewage treatment plants from Rules 203(f) and 402 as those rules apply to ammonia nitrogen, from Rules 403, 405, and 602(b) until June 30, 1981, or such earlier completion dates specified in the approved Facilities Plan, the applicable NPDES permits, and the Enforcement Compliance Schedule Letters issued by the United States Environmental Protection Agency. The variance is granted on the condition that the Petitioner abate present violations and achieve compliance with Rules 402, 403, 404(f)(ii), 405, and 602(c) on or before June 30, 1981, and with Rule 602(b) on or before June 30, 1979.

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

ORDER

The Urbana and Champaign Sanitary District is granted a variance from Rules 203(f) and 402 (as each applies to ammonia nitrogen), from Rules 403 and 405 of Chapter 3: Water Pollution Regulations until June 30, 1981, and from Rule 602(b) until June 30, 1979, subject to the following conditions:

1. The District shall abate its discharge of inadequately treated sewage as required under Rules 203(f), 402, 404(f)(ii), and 405 of Chapter 3: Water Pollution Regulations by making the necessary improvements in accordance with the project completion schedule included in the USEPA grant (C171568-03) containing the following schedule:

- (a) Completion of construction by March 31, 1981;
- (b) Completion of start-up operations by June 30, 1981.

2. The District shall abate the discharge of inadequately treated sewage from treatment plant bypasses as required under Rules 403 and 602(c) of Chapter 3: Water Pollution Regulations by making necessary improvements in accordance with the project completion schedule included in the USEPA grant (C171568-03) containing the following schedule:

- (a) Completion of construction by March 31, 1981;
- (b) Completion of start-up operations by June 30, 1981.

3. The District shall abate overflows from sanitary sewers by making necessary improvements so as to comply with Rule 602(b) of Chapter 3: Water Pollution Regulations in accordance with the project completion schedule containing the following schedule:

- (a) Completion of plans and specifications by June 30, 1978.
- (b) Completion of construction by June 30, 1979.

4. The variances granted herein shall be effective conditioned upon Petitioner remaining eligible for construction grant funds.

5. Within forty-five (45) days of the date of this Order, the Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706, an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The forty-five day

period herein shall be suspended during judicial review of this vairance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-271, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

SIGNED

TITLE

DATE

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of February, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board