

ILLINOIS POLLUTION CONTROL BOARD
November 23, 1977

CITY OF CANTON,)
)
 Petitioner,)
)
 v.) PCB 77-235
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

On September 14, 1977, the City of Canton filed a variance petition seeking relief from the ammonia nitrogen requirements of Rule 203(f) in Chapter III of the Water Pollution Regulations as it applied to the effluent from the City's West Side Sewage Treatment Plant. On October 17, 1977, the Agency filed a Recommendation favorable to the grant of the variance after imposition of certain conditions; the City has waived the right to hearing in this matter.

The Petition alleges that the variance is necessary to relieve the West Side Plant from the ammonia nitrogen water quality standard of 1.5 mg/l. Under current operating conditions the STP discharges ammonia nitrogen in concentrations ranging from 3 to 5 mg/l.

From this the Board must assume that this standard is not presently achieved in the intermittent stream which receives the plant effluent. Rule 203(f) provides that a 1.5 mg/l concentration of ammonia nitrogen shall not be exceeded in the waters of Illinois. Since the adoption of this rule, the Agency has investigated the environmental impact of ammonia nitrogen discharges into low flow streams. The study concluded that no fish kills or other environmental damage have occurred in Illinois waters from ammonia concentrations in secondary treated wastewater discharges (Pet. p4).

Rule 402 of Chapter 3 requires that no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard. In those instances where the water quality standard for a particular constituent is exceeded in a receiving body of water, any discharge of that constituent to that body of water must meet the water quality standard, as an effluent limitation, unless a variance has been granted pursuant to Title 9 of the Environmental Protection Act.

The West Side Sewage Treatment Plant was recently improved to include new primary clarifiers, aeration tank modifications, new secondary clarifiers, new tertiary settling lagoons, sludge drying beds, aerobic digestion and a storm water lagoon (Pet. p1). The plant is capable of treating a design flow of 2.7 MGD with an influent BOD₅ strength of 223 mg/l (Pet. p2).

Although these improvements do not provide the capacity to remove ammonia nitrogen to a concentration of 1.5 mg/l, the City has submitted a plan of study preparatory to a Step 1 grant to determine the nature and extent of further plant modifications necessary to meet the existing standards (Pet. p2). In support of the Petition, the City cites the Agency's regulatory proposal (R77-6) before the Board which may result in modification of the ammonia nitrogen standard (Pet. p3, 4). The Petitioner further submits that the City is presently incapable of financing the additional facilities required without grant assistance (Pet. p3). In view of these considerations, the City asserts that to impose the existing standard upon Petitioner's treatment plant would constitute an arbitrary and unreasonable hardship.

The Agency agrees that Petitioner's treatment facility is not currently capable of consistently achieving removal of ammonia nitrogen to a concentration of 1.5 mg/l. In support of the regulatory proposal (R77-6) to modify the ammonia nitrogen regulations, the Agency stated that they had found, during the past several years, no practical, environmentally acceptable method for ammonia reduction which will assure continuous compliance with the 1.5 mg/l ammonia nitrogen standard (Pet. 3). In view of the foregoing, the Board will grant the relief requested finding that to require the Petitioner to demonstrate here what the Agency has undertaken to demonstrate in support of their proposal for modification of the regulations in R77-6 would be unreasonable, in view of the regulatory proceeding.

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

ORDER

1. The City of Canton is granted a variance for its West Side Sewage Treatment Plant from Rules 203(f) and 402 of Chapter 3: Water Pollution, of the Board's Rules and Regulations regarding ammonia nitrogen until December 31, 1978, subject to the following conditions:

- a) This variance will earlier terminate upon adoption by the Board of any modification of the existing ammonia nitrogen water quality standards and effluent limitations and the City shall comply with such revised regulations on adoption by the Board.

- b) In the event that grant funds become available during the period of this variance, the City shall incorporate in any design and specification adequate provision for the installation of equipment for the removal of ammonia nitrogen which will provide the best practicable treatment technology for the removal of ammonia nitrogen over the life of the works.
- c) During the period of this variance, the City shall operate the West Side Sewage Treatment Plant to achieve the minimum discharge of ammonia nitrogen consistent with the capabilities of the existing equipment and process.

2. Within 35 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 this variance. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-235, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

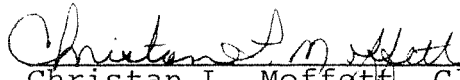
SIGNED

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 23rd day of November, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board