

ILLINOIS POLLUTION CONTROL BOARD
December 8, 1977

CITY OF SPRINGFIELD, ILLINOIS,)
DEPARTMENT OF PUBLIC PROPERTY,)
)
Petitioner,)
)
)
v.) PCB 77-185
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

This matter is before the Board on a Petition by the City of Springfield, Illinois, Department of Public Property (Springfield) for a variance from Rule 408 of Chapter 3 of the Board's Rules and Regulations filed July 6, 1977 and subsequently amended on September 19, 1977 pursuant to an Order of the Board. The Agency has filed its Recommendation, and hearing herein was waived by Springfield.

The facilities which are the subject of this variance petition are two of Springfield's electric generating facilities, the Lakeside and Dallman Plants. Relief is requested from the suspended solids requirement of Rule 408 of Chapter 3. Springfield requests variance until April 1, 1978 for its ash pond discharge, storm sewer discharge, and precipitation runoff from the Dallman and Lakeside coal piles and the Lakeside fly ash disposal area. Springfield has been issued an NPDES permit which is presently in the process of modification by the U.S. Environmental Protection Agency (USEPA) with respect to the aforementioned discharges. The proposed modified permit, when issued, will require discharges to generally meet the Illinois effluent standards or, in some cases, 50 mg/l of suspended solids. In addition U.S.E.P.A. has proposed to issue Springfield an enforcement compliance letter (ECSL) with respect to the discharges.

Section 35 of the Illinois Environmental Protection Act (Act) requires that variances granted by the Board be consistent with the requirements of the Federal Water Pollution Control Act (FWPCA).

The FWPCA calls for Springfield's discharges to be subject, as of July 1, 1977, to the best practical treatment requirements of Section 301(b)(1)(a). The best practical treatment (BPT) for Petitioner's discharge is 30 mg/l of total suspended solids on a 30 day average (40 CFR 423). Section 510 of the FWPCA requires that the Board not adopt an effluent standard which is less stringent than the effluent standard under the FWPCA, i.e., BPT. The Board is therefore limited by the Act to granting variances within the confines of standards set by the FWPCA and cannot grant the variance requested by Springfield herein. (City of Peru v. EPA, PCB 77-50, City of Quincy v. EPA, PCB 77-102.)

The Board reiterates its position that failure to grant a variance is not a shutdown order. Caterpillar Tractor Company v. EPA, PCB 75-499.

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

ORDER

It is the Order of the Pollution Control Board that the Petition for Variance by City of Springfield, Department of Public Property be and is hereby denied.

Mr. Young abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of December, 1977 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board