

ILLINOIS POLLUTION CONTROL BOARD
August 18, 1977

SANITARY DISTRICT OF ELGIN,)
)
 Petitioner,)
)
 v.) PCB 77-186
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

The Sanitary District of Elgin filed a petition for variance received by the Board on July 8, 1977, in which the District seeks an extension from July 1, 1977, until September 16, 1977, for a prior variance from Rule 407(b) of the Water Pollution Regulations.

A Recommendation of the Agency favorable to the grant of the variance was filed on July 21, 1977, subject to the condition that an interim phosphorus effluent concentration limitation of 4.9 mg/l as an annual average be continued.

The District is in the final phases of a program of modification and expansion of its treatment works which will result in a 17.0 MGD activated sludge treatment plant with phosphorus removal facilities. The phosphorus removal equipment was scheduled to be operational and compliance with Rule 407(b) achieved by July 1, 1977, under the variance granted in PCB 77-132.

In the instant petition, the District requests an extension of the prior variance until September 16, 1977. The District states that in checking out the chemical feed equipment for phosphorus removal it was discovered that three necessary electric motors had been damaged during construction. The general contractor has advised the District that the necessary repairs will be complete and the system operational after September 16, 1977.

As the Agency points out in the Recommendation, the Petitioner has provided memoranda and letters of its consulting engineer and general contractor documenting the reason for the delay and the projected operational date. The Agency further

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observes that the delay is clearly caused by conditions beyond the District's reasonable control and that to deny relief as compliance is about to be achieved would constitute an arbitrary and unreasonable hardship.

The Board is in agreement and will extend the compliance date as requested subject to the condition that the District maintain the phosphorus effluent concentration at or below 4.9 mg/l as an annual average.

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

ORDER

The Sanitary District of Elgin is hereby granted variance from Rule 407(b) of the Water Pollution Regulations for its Main Plant until September 16, 1977, subject to the condition that the District shall maintain the phosphorus effluent concentration at or below 4.9 mg/l as an annual average.

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 18th day of August, 1977 by a vote of 5-0.

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

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