ILLINOIS POLLUTION CONTROL BOARD
May 12, 1977

CITY OF PERU, ILLINOIS, Petitioner,	)	
v.	)	PCB 77-50
ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

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

This matter comes before the Board on the petition filed on February 15, 1977, by the City of Peru seeking variance from Rules 408, 409, and 410 of Chapter 3: Water Pollution for the wastewater discharges from its water treatment plant. The Agency Recommendation unfavorable to the grant of the variance was filed on March 31, 1977.

The Petitioner's water treatment plant has a 1.4 MGD capacity and the treatment process includes aeration, chemical addition and mixing, clarification, sedimentation, recarbonation, filtration and disinfection. The wastewater discharges to the Illinois River include the 30,000 gallons per day filter backwork having a suspended solids content of 2,500 mg/l, and the 45,000 gallons per day lime sludge discharge having a pH of greater than 11.5 and a suspended solids content of 40,000 mg/l. Rule 408 requires that these discharges not exceed a 15 mg/l suspended solids content with the pH required to fall in the range of 5-10.

The City of Peru estimates that it will cost $243,000.00 to bring the plant into compliance with the regulations. The City is reluctant to make this expenditure at present because a Facilities Plan is presently being prepared for its wastewater transport and treatment systems. The Facilities Plan, due in February of 1978, will address the environmental soundness and cost-effectiveness of transporting the water filtration plant sludge to the sewage treatment plant for joint handling with the sewage sludges. Because of the high costs involved and to avoid overlapping systems, the City states that it would be more reasonable to postpone decision on the compliance program until such time as the Facilities Plan is available. In recognition of this circumstance, and because of the high dilution ratio provided by the Illinois River, the Agency agrees that it would

be more reasonable for the City to await the Facilities Plan before choosing its compliance course (Rec. 4). The Agency therefore states that it would be inclined to recommend a one-year grant of variance from Rule 408 if Petitioner had provided adequate documentation that such a grant would not violate Section 35 of the Act. This Section prohibits the Board from granting variances inconsistent with the applicable provisions of the Federal Water Pollution Control Act Amendments of 1972 which requires the employment of Best Practical Control Technology (BPT) by July 1, 1977. The Board notes that U.S.E.P.A. usually establishes BPT for water treatment plants on a case-by-case basis, (Rec. 5) but it appears that U.S.E.P.A. has yet to make its BPT determination for this particular discharge.

On the basis of the foregoing, the Board is disposed to grant the relief necessary to enable the Petitioner to make full use of its Facilities Plan. As stated by the Agency, however, Petitioner's request for variance from Rules 409 and 410 is inappropriate, but that relief is needed from Rules 203(a) and 403. In accordance with Section 35 of the Act, this relief will be provided only to the extent that it is consistent with the applicable provisions of the Federal Water Pollution Control Act Amendments of 1972.

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

ORDER

The City of Peru is granted relief until May 1, 1978, to the extent consistent with applicable provisions of the Federal Water Pollution Control Act Amendments of 1972, from Rules 203(a), 403, and 408 of Chapter 3: Water Pollution, as regards pH and suspended solids for the wastewater discharges from its water treatment plant. The request for relief from Rules 409 and 410 is hereby dismissed.

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 12th day of May, 1977 by a vote of 5-0.

Christan L. Moffett

Christan L. Moffett, Clerk
Illinois Pollution Control Board

Mr. Dumelle concurs.