

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1975

VILLAGE OF GLENDALE HEIGHTS,)
)
) Petitioner,)
)
)
) v.) PCB 75-180
)
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

MR. KENNETH GUMBINER, appeared on behalf of Petitioner;
MR. JOHN T. BERNBOM, appeared on behalf of Respondent.

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

Petitioner filed a variance request on April 29, 1975 seeking a variance from the Board Order in Enders v. Village of Glendale Heights, PCB 72-252 5 PCB 683 (October 17, 1972). Specifically, Petitioner wishes to be excused from that portion of the Board Order requiring preparation of a survey and report concerning the bacterial and viral impact of Petitioner's sewage treatment plant. The Illinois Environmental Protection Agency, (Agency) filed a Recommendation to grant the variance on June 5, 1975. A hearing was held on August 11, 1975.

Petitioner alleges that has complied with the previous Board Order in PCB 72-252 with the exception of conducting the bacterial and viral survey required by Paragraph 5 of that Order. The Village alleges that the cost would be excessive for it to bear. Petitioner states that only one firm, International Minerals and Chemicals Corporation, in cooperation with Bio-Labs, presented a proposal for the type of survey requested by the Board. Subsequently this firm allegedly indicated its unwillingness to proceed with the survey. Petitioner states that following the filing of an enforcement action in circuit court to compel compliance with the Board's Order, that Petitioner contacted Dr. W. R. Martin, a microbiologist at the University of Chicago, "to advise it on the study ordered by the Board". Dr. Martin concluded that,

"not only is the probability of any danger to health near zero even if one assumes the existence of airborne bacteria or viruses, but there is really no reasonable tests which could be devised to measure such an effect in any event" (page 2 of Respondent Exhibit C).

The Agency states that Petitioner has complied with the previous Board Order with the exception of filing the requested Bond and preparation of the viral and bacterial study. The Agency states that it has not received a odor complaint in over 18 months concerning Petitioner's facility. The Agency states that it supports Petitioner because it has conducted a literature search which has shown that employes of sewage treatment plant are no more unhealthy than other classes of workers and that the incidents of illness among sewage treatment plant employes is no greater than other workers (See Public Works, N. Wells, August, 1971; and Journal of the Water Pollution Control Federation, Dixon-McCabe, 36, 984, 1964).

However, the Agency further states that it recognizes that activated sludge treatment processes such as used by Petitioner may have a significant potential to emit aerosol particles in the air above aeration tanks and clarifiers. In a study cited by the Agency, conducted by King, Mill, and Lawrence, it was found that bacteria common to sewage disposal plants have been detected 100 feet downwind of a 10,000,000 gallon per day activated sludge plant. A comparison of the upwind and downwind sampling stations indicated a greater number of bacteria colonies downwind by a factor of over 100. This study concluded that, "the number and type of bacteria found in the waste stream and subsequently downwind suggest a possible health hazard to plant workers and nearby residents" (supra at 54).

The Agency questions whether the cost of conducting a viral and bacterial study should be borne by individual petitioners. The Agency states that a school of public health of the University of Michigan is presently conducting a study which involves a sampling of large volumes of air around sewage treatment plants. The Agency believes that such studies are currently in the research phase and that it would be extremely difficult for Petitioner to successfully conduct a meaningful study. The Agency further states that the study could reasonably be considered to cost approximately \$50,000.

Based on these points the Agency recommended that the variance be granted.

The requirement of the viral and bacterial study was originally imposed by the Board to determine if a hazard existed at the school located extremely close to Petitioner's sewage treatment plant. The Board notes that the present variance is requested approximately 2-1/2 years after the Board entered the previous Order. It is apparent that the filing of an enforcement action by the Attorney General to enforce the previous Board Order has led to the present variance request. The Board is not convinced by Dr. Martin's testimony that it would be impossible to conduct a meaningful study. This conclusion is based upon the study utilized by King, et al and the study being conducted by the University of Michigan. At the hearing two citizens appeared and testified in regards to Petitioner's sewage treatment plant and the requested variance. The vast majority of the testimony concerns the allegation that Petitioner's facility was emitting odors and violating Section 9(a) of the Environmental Protection Act (Act). This testimony is not relevant to the issue at hand. It should be noted that an independent enforcement action is currently pending which raises that issue (Enders v. Village of Glendale Heights, PCB 75-283).

We find based upon this record that Petitioner should be relieved at this time from conducting such a viral and bacterial survey because of cost considerations and similar research being conducted elsewhere. This is not a conclusion by the Board that such a study is not feasible or entirely unwarranted in this case. Petitioner's facility is located in extreme proximity (less than six feet) to a public school. Those responsible for the welfare of those children attending the school should be constantly aware of any incidence of the outbreak of the so-called water-borne diseases such as hepatitis, dysentery, typhoid, cholera and polio. Mr. Mohan Grewal, environmental protection engineer for Respondent, stated in a discovery deposition that he interviewed the principal of the elementary school, three or four teachers and some students. He testified that the principal stated that based on the record of absenteeism in the school that it was the principal's opinion that the "plant is not disturbing or interfering with the health of the students" (p. 24 of Petitioner Exhibit A). The facts upon which the principal based his opinion are not known.

The Board asks that the Agency closely monitor the results of the study currently being conducted by the school of public health at the University of Michigan which it referred to in paragraph 13 of its Recommendation. The Agency may want to propose siting regulations for sewage treatment plants to the Board based upon such studies.


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

ORDER

The Village of Glendale Heights is hereby granted a variance from the previous Board Order in PCB 72-252 to the extent that it is no longer required to submit a bacterial and viral survey as set forth in paragraph E of that Order.

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 6th day of November, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board