

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1974

GALESBURG SANITARY DISTRICT)	
PETITIONER)	
)	
)	
v.)	PCB 74-93
)	
)	
ENVIRONMENTAL PROTECTION AGENCY)	
RESPONDENT)	

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on Petition of the Galesburg Sanitary District, filed March 14, 1974, requesting variance from rules: 203 (f) (ammonia nitrogen) until May 1, 1980; 921 (d); 404 (f); and 602 (d) (3) of Chapter 3 of the Board's Rules and Regulations.

Supplemental information was filed by Petitioner on April 16, 1974.

The Agency filed its recommendation on May 22, 1974, suggesting the Board deny variance from rules 203 (f), 921 (d), and 602 (d) (3), and grant a 1-year variance from Rule 404 (f) subject to numerous conditions.

No hearing was held.

The Petition requests extension of a variance granted by the Board in Galesburg Sanitary District v. Environmental Protection Agency, PCB 73-86, June 14, 1973. In that case the Board handed down an order stating as follows:

ORDER

- "1. Variance is granted until June 14, 1974 from Rule 203 (f) as regards ammonia nitrogen.
- "2. Variance is granted from Rule 921 (d) but a Project Completion Schedule must be submitted before June 14, 1974 showing the best anticipated date for compliance with the standards.
- "3. The District shall submit quarterly reports to the Agency detailing progress in its pilot plant research and in all other steps toward completion.

- "4. The sewage treatment plant shall not be operated at effluent levels to exceed 20 mg/l BOD and 25 mg/l suspended solids on a monthly average.
- "5. The District shall diligently pursue correction programs for sanitary and storm sewer overflows.
- "6. The District shall apply for an extension to this variance at least 90 days prior to its expiration."

Petitioner owns and operates a sewage treatment plant and sewage transportation system servicing the city of Galesburg, along with certain surrounding unincorporated areas. The plant provides secondary treatment through a trickling filter process and discharges chlorinated effluent into Cedar Fork Creek, which has a dilution ratio of less than one to one. The majority of sewers are separate storm and sanitary sewers, though certain areas are still serviced by combined sewers (See decision PCB 73-86 Supra.).

In its recommendation the Agency states that Petitioner's problems in meeting the standards resulted from the fact that Petitioner became committed to an improvement program before Chapter 3 of our Rules was adopted, and then could not comply with the required dates in these Rules (Agency Rec. P. 4).

Variance from Rule 203 (f):

Petitioner requests variance from Rule 203 (f) until May of 1980, as the Rule applies to ammonia nitrogen. In the original variance Petitioner requested variance until 1977 for completion of work that would bring it into compliance. Now Petitioner is requesting that this schedule be moved out three years in order to complete infiltration-inflow analysis studies on their sewer system so they may qualify for federal grant money. In fact, the above reason is given for moving out all compliance dates past those originally conceived in 1973.

First, it should be noted by Petitioner that the Board can only grant a variance for one year. This applies not only to this section, but to all of the Rules in Chapter 3.

Second, the Board had certain reservations as to granting variance to Rule 203 (f) in the previous matter. In the previous matter the Board stated, "We have before us a variance filed March 5, 1973, asking for more time in which to do pilot plant work on ammonia, a year after the regulation was passed. This delay has not been satisfactorily explained and thus we cannot grant the ultimate relief desired which is until July 1, 1977." Petitioner has submitted in its present Petition quarterly reports as to its progress in its pilot plant research program for reduction of ammonia nitrogen in its Attachment #3. These reports were required by the Board in our prior opinion. Unfortunately

these reports do not draw conclusions as to the outcome of the pilot plant work, or inform the Board as to whether this program is ready for full-scale development.

The Agency comments that they do not feel that Petitioner has made an adequate showing as to the granting of another variance from this Rule (Agency Rec. P. 7).

The Board takes note of the National Pollution Discharge Elimination System, which was promulgated by the Federal Government in amendments to the Federal Water Pollution Control Act of 1972 (PL 72-500). When this system is implemented by the Board, the Agency will be allowed to issue permits that will allow compliance past the dates in our Regulations, should there be the proper showing.

As the NPDES system will be implemented by the end of this year, we feel that a complete general review of the Petitioner's situation would be most advantageous at that time. This kind of review will be necessary for Petitioner to get its NPDES permit. The Board will grant Petitioner a variance from Rule 203 (f) until December 31, 1974, for the abovementioned reasons. Should Petitioner feel it necessary to file for a subsequent variance, results of its pilot program research and a tentative schedule of construction must be submitted, should the program prove up an acceptable method of compliance.

Variance from Rule 921 (d):

This Rule has been deleted and so the requested variance is moot.

Variance from Rule 402 (d) (3):

The variance requested from this Rule is dismissed. Petitioner need not comply with this Rule until December 31, 1975.

Variance from Rule 404 (f):

The effective date of this Rule as applied to Petitioner has been moved out until December 31, 1974, by new Rule 409. Since this variance shall be given only until that date, variance from Rule 404 (f) is dismissed as premature.

Environmental Impact:

The Board notes that on Page 4 of the Agency's recommendation, there is a comment relating to sludge deposits and septic odors in Cedar Fork Creek. Should it be necessary for Petitioner to apply for a future variance the Board shall require a report on this condition, along with a program for its prompt abatement. The plant will be ordered to continue to keep BOD and suspended solids below the 20 mg/l-25 mg/l level ordered in PCB 73-86.

Hardship:

The Board notes the problems discussed above as to Petitioner's

program being started before it knew of applicable regulations, and of the funding problems it is having. Petitioner appears to have had a long-standing policy of attempting compliance.

As mentioned above, the NPDES program will be coming into effect before the end of this year. An NPDES permit application will bring about a complete review of Petitioner's situation and will result in a new compliance schedule.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that:

- 1) Requests for variance from Rules 404 (f), 602 (d) (3), and 921 (d) are dismissed.
- 2) Request for variance from Rule 203 (f) as it applies to ammonia nitrogen is granted until December 31, 1974.
- 3) The District shall continue to submit quarterly reports to the Agency, detailing progress and conclusions in its pilot plant research and in all other steps toward completion.
- 4) The sewage treatment plant shall not be operated at effluent levels to exceed 20 mg/l and 25 mg/l suspended solids on a monthly average.
- 5) The District shall continue to pursue diligently correction programs for sanitary and storm sewer overflows.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 6th day of June, 1974, by a vote of 4 to 0.

Christian L. Moffett