

ILLINOIS POLLUTION CONTROL BOARD
May 17, 1973

AURORA SANITARY DISTRICT)
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)
 v.) PCB 73-11
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 ENVIRONMENTAL PROTECTION AGENCY)
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OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

Petitioner requests a variance from Rule 1002(b)(iii) of the Water Regulations which requires that where compliance with effluent standards is required at a date later than December 31, 1973, a Project Completion Schedule must be filed by December 31, 1972. Hearing was held on March 5, 1973.

The District owns and operates a sewage treatment plant located in Aurora. The present plant was designed to provide secondary treatment for an average flow of 32 mgd of which 10 mgd is treated in the trickling filter and 22 mgd is treated in the activated sludge plant. The effluent from those two processes is then combined, chlorinated and discharged to the Fox River which affords a dilution ratio of less than 5 to 1 but greater than 2 to 1.

Pursuant to Rule 404(c)(ii) of the Water Regulations, the District must comply with the effluent standard of 10 mg/l BOD and 12 mg/l suspended solids by December 31, 1974. Therefore, their Project Completion Schedule was due by December 31, 1972.

The District claims that it is unable to file the Schedule yet. The "modification or additional controls" required to be described in the Schedule cannot reasonably be determined until such time as a decision has been made as to the geographic area to be served by the District. There is now pending proposed annexations to the District of a large area of land east of the City of Aurora in the southwester area of DuPage County, most of which is in Region 8 of the DuPage County Regionalization Plan. This area has been included in the engineer's estimate of anticipated population growth of the District. Hearings have been held before the Board and the matter is presently under advisement.

The District has applied for Federal and State construction grants. Those applications are based upon projections of the population of the District including Region 8. They have not been approved yet. The District asserts that the engineering plans and specifications

cannot be finalized until a determination is finally made as to the total needs of the District.

The Agency's recommendation states that the District has a history of compliance and is presently in compliance with existing effluent standards. The Agency believes that the sole reason for the District's inability to file a Schedule is due to the uncertainties of regionalization. The Agency recommends a grant of the variance from Rule 1002(b)(iii).

The Board expects to decide the regionalization matter within the next few months. Variance is granted from Rule 1002(b)(iii) for the period from January 1, 1973 to December 31, 1973, subject to the following conditions:

- (a) That within 90 days after receipt of a final and approved DuPage County Regionalization Plan the District will submit their Project Completion Schedule; and
- (b) If an extension is needed to this variance, it be applied for at least 90 days prior to expiration.

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

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify the above Opinion and Order was adopted on the 17th day of May, 1973, by a vote of 4 to 0.
