

ILLINOIS POLLUTION CONTROL BOARD  
February 6, 1973

AURORA SANITARY DISTRICT            )  
  )  
                  v.                    )    PCB 72-276  
  )  
ENVIRONMENTAL PROTECTION AGENCY    )

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

This is a petition for variance from Rule 407 (b) regulating phosphorus in effluent and Rule 1002 (b) (1) providing for an implementation plan, of the Illinois Water Regulations. Hearing was held on September 12, 1972. We have received an indefinite waiver from Aurora.

Upon reviewing the transcript, we find certain inadequacies which must be corrected in order for us to render a final decision in this case. One essential factor in the case is the exact extent of the algae problem in the area of the Aurora plant, especially downstream. The only evidence so far in the record are certain visual observations made by Sanitary District and Agency personnel. Reference was made ( R. 78) to the Illinois Water Survey algae study in the Fox River by Mr. Evans. We would want that study to be made a part of the record and also any information available from the Illinois Water Survey on new algae counts during 1972. It was also indicated ( R. 14, 29) that an application for the proposed sewage treatment plant is pending before NIPC and that there is a chance that NIPC may reject the project altogether. We would want an updated report on that situation. One of the problems raised by Aurora is the operating cost of interim phosphorus removal. At earlier Board phosphorus hearings (R70-6) the use of pickle liquor was suggested as one means of phosphorus removal. We would want to see Aurora explore this point also (see R70-6, Oct. 16, 1970, R. 122).

Because of the foregoing inadequacies, we will remand this case for further proceedings during which the record can be completed. We would suggest that the necessary facts be collected and presented at another hearing to be arranged by the parties.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Interim Opinion and Order this 6<sup>th</sup> day of February, 1973, by a vote of 2 to 0.

Christan L. Moffett