

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1973

VILLAGE OF SAUGET)
)
)
 v.) PCB 72-396
) PCB 72-407
)
 ENVIRONMENTAL PROTECTION AGENCY)
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SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

On February 6, 1973 we entered an order granting Sauget a variance from Rule 404(a)(i) of the Water Regulations. On February 14, 1973 we entered a further order in the case wherein we also incorporated the February 6 order. On February 20, 1973 we received a Motion for Reconsideration by Sauget requesting variances from additional Rules claiming that their intent was to request variances from those Rules originally.

One of the additional requests for variance is from Rule 404(b)(i). The main difference between 404(a)(i) and 404 (b)(i) is that 404(a)(i) applies to sources whose untreated waste load is less than 10,000 population equivalents while 404(b)(i) applies to sources of 10,000 population equivalents or more. We do find that the untreated waste load at Sauget is more than 10,000 population equivalents and therefore Rule 404(b)(i) applies. We will grant the request for the same reasons we gave for granting the variance under 404(a)(i). Since 404(a)(i) is not really applicable here, that variance is dissolved.

The Village also requests variances from Rules 404(c) and 404(f) if applicable. Rule 404(c) applies only where the dilution ratio is less than five to one. Rule 404(f) applies only where the dilution ratio is less than one to one. Since the Sauget dilution ratio is greater than five to one, these rules do not apply and therefore no variance is necessary.


The Village also requests a variance from Rule 408 which sets effluent limitations for numerous metals and other contaminants. There is insufficient evidence in the record, however, for us to rule on this point. We would need to know more about which

of those contaminants actually do appear in the effluent and also something about their concentrations in the river in the area of the discharge.

Finally, the Village requests a variance from Rules 921(d) and 1002 which require that a Project Completion Schedule be approved by the Agency before the Agency can issue a permit. The Agency in its recommendation takes the position that compliance with those rules would impose an arbitrary and unreasonable hardship because it would impose a further delay in beginning construction of the improved sewage treatment facilities and therefore a variance should be granted. We agree with the Agency and will allow the variance.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Supplemental Opinion and Order was adopted on the 22nd day of March, 1973 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board