

ILLINOIS POLLUTION CONTROL BOARD
December 21, 1971

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The Village of Sauget)
)
v.) PCB 71-287
)
ENVIRONMENTAL PROTECTION AGENCY)
)

Mr. Harold G. Baker, Jr., appeared for the Petitioner

Mr. Delbert D. Haschemeier, appeared for the Environmental Protection Agency

Opinion of the Board (by Mr. Dumelle)

On September 27, 1971 the Village of Sauget (Sauget) filed a petition for variance seeking an extension of the established deadline by which Sauget must have secondary treatment facilities fully constructed and operating. In its petition Sauget sought until December 31, 1975 to commence secondary treatment of its effluent or in the alternative the village asked for a one year extension of time to and including December 31, 1974 before it must commence secondary treatment of its effluent.

We grant a variance for one year, until December 15, 1972, subject to conditions outlined in this opinion and specified in the Board's Order.

Sauget is an incorporated village in St. Clair County located on the east bank of the Mississippi River across from St. Louis. About two hundred forty persons reside in the village. Additionally the village is the location of several large and small industrial plants, warehouses and transportation facilities (R.8-9).

Until the rule was changed by this Board in 1971 the applicable regulation required Sauget to install secondary treatment facilities by December of 1982. SWB-13, the presently effective regulation, was amended by an adoption by the Board on January 6, 1971 (R70-3) to the effect that the various deadline dates for the commencement of secondary treatment were moved up to December 31, 1973.

The effluent from the Sauget treatment plant is discharged directly into the Mississippi River after passing through primary treatment facilities. The primary treatment plant began operation in 1965 and was and continues to be operated by a not-for-profit

corporation, The Village of Sauget Sanitary Development Association (hereafter Association) (R.10). The primary treatment consists of sedimentation for removal of solids and skimming for floating matter. The removed materials are pumped into four sludge lagoons for drying and landfill.

In the spring of 1970 the Association started looking into constructing secondary treatment facilities because it concluded at that time that it would require a minimum of five years to design, put out for bids and have the necessary plant constructed (R.36). The Association undertook a search for an engineering firm to develop the secondary treatment and ended by selecting Monsanto Biodize Systems on June 30, 1970 (R.11-13, Pet. Ex. 2). Up to this time the consultant has performed its contract on time and has submitted regular reports on progress to date (R.18).

At present the plant influent is at the rate of 14 MGD. One of the manufacturing facilities usually served by the treatment plant is presently not in operation, when it comes on line the influent will be at the rate of 20 MGD (R.83).

The influent to the treatment plant usually averages about 20 MGD and is usually comprised of effluent from the Village of Sauget, Sterling Steel Casting Company, Rogers Cartage Company, Monsanto Company, Mobil Oil Company, Cerro Cooper and Brass, Midwest Rubber Company, Edwin Cooper, Inc. and American Zinc Company. At this time both the plant influent and effluent are characterized by a high COD, BOD, and suspended solids content and an extremely acidic pH level. Representative plant effluent concentrations were shown in the petition as 500 mg/l COD, 76 mg/l BOD, 50 mg/l suspended solids and a pH of 3.5.

Because of the character and strength of the wastes treated the secondary facilities will not be of the conventional biological type (R.84-85, 87). The completed plant will resemble more what is usually referred to as tertiary or advanced treatment. A conventional secondary treatment plant would be incapable of achieving the required treatment so a treatment process involving primary settling, skimming, pH adjustment with lime, precipitation of heavy metals, and activated carbon adsorption is being planned.

Since the summer of 1970 in-plant effluent controls have been established at some of the industries (R.86). Cerro Corporation is installing solids removal treatment for the effluent from their scrubbers. Monsanto is removing some of their organic contaminants and their mercury discharges. Other in-plant programs are being evaluated (R.90-91).

In each variance case which comes before us we must weigh the asserted arbitrary or unreasonable hardship on the petitioner against the harm to the environment should the variance be granted.

In most cases it is a delicate balance. Here we must consider whether the harm done to the Mississippi River by delaying the installation of secondary treatment by one year will out balance the hardship which the several affected industries (and the village) would suffer if the request were denied. We find that the harm done to the River is not of such magnitude to prevent our granting the requested variance. However, we must note that the analytical results of at least five parameters is disquieting. The five parameters-phenol, cyanide, oil, copper, and manganese-did not meet the proposed stream standards (R 71-14) at a distance of at least 600 feet beyond the point of discharge (R.134).

The Environmental Protection Act states that any variance granted under the Act is limited to one year and then may be extended only if satisfactory progress has been shown. We grant this variance to terminate on December 15, 1972. If the petitioner will need a further exemption from prosecution beyond that time, it should take the precaution of filing a further petition some 90 days before the date of termination of the instant grant, at which time renewal of the grant will be considered.

The statute explicitly authorizes the Board to impose such conditions as the policies of this Act may require when granting a variance (Sec. 36(a)). Several conditions are required here to further the purposes of the statute. First, we shall require Sauget to submit quarterly progress reports. Periodic progress reports are necessary as a means of checking compliance with program schedules. The reports should detail progress to date and fully document and explain significant deviations from the program as planned. The first report shall cover the period from the present through March 31, 1972. Sauget should submit such reports to the Environmental Protection Agency and the Board a reasonable time after the expiration of the calendar quarter but in no case shall this period extend beyond three weeks. We do not wish to be in the position a year from now of discovering for the first time that there have been further delays. Sauget could prepare its third quarterly report to both report progress to date and to petition the Board for another year's renewal of the instant variance

We shall further condition the grant on two interim deadlines. Sauget's program aims toward ultimate compliance by the end of 1974; in order to give us intermediate check-points against which to measure progress, we shall require that the bidding process for final engineering design be complete by April 30, 1972, and that final engineering design be completed by November 15, 1972.

The scheme of the presently effective regulation contemplates completion of facilities by December 1973, a twelve month construction period (a requirement that construction commence by December 1972) and a six month earlier period for submission of complete engineering plans (a requirement that plans be submitted by July 1972). Twelve months is usually sufficient time for the

construction of a conventional treatment plant. The duration scheduled for construction in this case is 18 months. The record makes it abundantly clear that this is no ordinary secondary treatment plant and that the elongated construction period is necessary (R.106-110). Usually two years lead time would be more than sufficient to install and have adequate facilities operating. This two-year policy for installation of industrial waste control facilities is reflected in virtually all of the regulations adopted by our predecessor Sanitary Water Board. In this case we are in effect condoning a three year program. We are doing so because six or eight major industrial dischargers are being accommodated by the planned facilities. Although each industrial user will be pretreating their waste the combined influent will still be of a peculiar character requiring special, non-conventional treatment.

As a further condition, we will require that a bond be posted in this case to assure that satisfactory progress is made and that the interim dates set as conditions to this variance grant are met. We will require a security in the amount of \$100,000 to be forfeited pro rata (\$50,000 for each) if the interim deadlines of (1) April 30, 1972, by which time the bidding process for final engineering design is to be complete and (2) November 15, 1972 by which time final engineering design is to be complete, are not met. The purpose of the bond requirement is to provide an additional incentive to the variance holder to meet its deadlines, by imposing the threat of forfeiture if it does not.


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

ORDER

The Board, having considered the transcript and exhibits in this proceeding hereby grants a variance to the Village of Sauget (Sauget) until December 15, 1972, subject to extension to December 31, 1974 upon timely application therefor, from the regulations in SWB-13 and amendments thereto relating to the construction of secondary treatment facilities on condition that Sauget continues its progress on its program planned for completion by December 31, 1974 and subject to the further conditions that:

1. Sauget meet the following schedule deadlines:
 - (a) April 30, 1972 - complete bidding process for engineering design; and
 - (b) November 15, 1972 - complete final engineering design.
2. Sauget submit to the Environmental Protection Agency and the Board quarterly reports on the progress of its program. The first report shall cover the period from the present through March 31, 1972, with each subsequent report covering the calendar quarter. The reports shall be submitted a reasonable time, not to exceed three weeks after the end of the quarter.
3. Sauget post with the Environmental Protection Agency, on or before January 15, 1972 and in such form as the Agency may find satisfactory, a bond or other adequate security in the amount of \$100,000, which sum shall be forfeited (pro rata, \$50,000 each) to the State of Illinois in the event that the interim deadlines of April 30, and November 5, 1972 are not met.
4. During the period that this variance is in effect Sauget shall not increase the polluttional nature of its discharges either in strength or in volume.
5. Failure to adhere to any of the conditions of this variance shall be grounds for revocation of this variance.

I, Christan Moffett, Acting Clerk of the Illinois Pollution Control Board, hereby certify that the Board adopted the above Opinion and Order on the 21st day of December, 1971 by a vote of 4-0.


Christan Moffett, Acting Clerk
Illinois Pollution Control Board