

ILLINOIS POLLUTION CONTROL BOARD  
June 10, 1982

CITY OF WYOMING, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 82-7  
 )  
 ) ILLINOIS ENVIRONMENTAL PROTECTION )  
 ) AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

On January 25, 1982 the City of Wyoming (City) filed a petition for variance from Rules 203(g) and 405 of Chapter 3: Water Pollution, as they relate to fecal coliform. An amended petition requesting the same relief was filed on March 19, 1982. Hearing was waived and none was held. On April 23, 1982, the Illinois Environmental Protection Agency (Agency) filed a Recommendation that the variance be granted, subject to certain conditions.

The City owns and operates a trickling filter wastewater treatment plant in Stark County with a design capacity of 1800 P.E. (population equivalents). The City is presently in the Construction Grants Program for upgrading of its plant, including chlorination facilities. The plant is currently operated under NPDES Permit No. IL0026336 which contains a fecal coliform effluent limitation of 400/100 ml. There is no indication in the record as to present compliance with this standard. Discharge is to an unnamed tributary approximately 0.6 miles upstream of the Spoon River at a point approximately 80 miles upstream of Spoon River's confluence with the Illinois River. There are no public beaches or water intakes used for public or food processing water supplies, nor are any lakes located within 20 stream miles downstream of the discharge point.

The proposed upgrading program, which includes chlorination facilities, is to be completed by March, 1984. The City seeks this variance to allow the program to proceed without the necessity of chlorination facilities.

The City estimates the construction cost of chlorination facilities to be \$65,000. However, as the Agency points out, since the City will be obtaining grant funding, the local share should be only \$16,400 or \$27.50 per connected household.

Operation and maintenance costs are not given. This, the City argues, constitutes an arbitrary or unreasonable hardship, given the alleged lack of any environmental harm. The Agency agrees.

The Board is presently considering modification or elimination of the water quality and effluent standards for fecal coliform in R77-12, Docket D. Under the Board's Proposed Rule/First Notice Order of October 8, 1981, the City would be exempted from the current disinfection requirements.

While construction of the proposed facility could begin by late summer, installation of the chlorination facilities need not be accomplished until the end of the construction period. Therefore, installation could be delayed for a year or more without delaying the plant startup date. Since the variance is requested to extend only until the Board's final decision in R77-12, Docket D takes effect, and since that should occur well within a one year period, installation of chlorination facilities, if necessary, could still proceed in a timely fashion. Therefore, the Board finds no adverse environmental impact if this variance is granted and finds that denial would constitute an arbitrary or unreasonable hardship.

For the City to obtain the complete relief it requests, the Agency must also be authorized to modify the City's current NPDES Permit's fecal coliform limitation. However, such modification should be written so as to assure the continuation of disinfection presently practiced until such time as the Board's final decision in R77-12, Docket D takes effect. The variance granted shall only apply to the upgraded plant.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The City of Wyoming is hereby granted a variance from Rules 203(g) and 405 of Chapter 3: Water Pollution, as they relate to fecal coliform limitations applied to the City's proposed wastewater treatment facility;
2. This variance shall extend until the Board's final decision in R77-12, Docket D takes effect;
3. The Agency is hereby authorized to modify NPDES Permit No. IL0026336 in a manner consistent with this Opinion and Order; and
4. Within forty-five (45) days of the date of this Order, the City shall execute and send to Steven M. Spiegel, Attorney Advisor, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance by which

it agrees to be bound by the terms and conditions of this variance. This forty-five (45) day period shall be held in abeyance for any period for which this matter is appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), \_\_\_\_\_, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 82-7, hereby accept that Order and agree to be bound by all terms and conditions thereof.

\_\_\_\_\_  
Petitioner


\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 10<sup>th</sup> day of June, 1982 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board