

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1979

CITY OF MORRISON,)
)
 Petitioner,)
)
 v.) PCB 79-144
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a petition for variance filed July 17, 1979 by the City of Morrison (Morrison) in Whiteside County. The petition requests, pursuant to §35 of the Environmental Protection Act (Act), Procedural Rule 401 and Rule 914 of Chapter 3: Water Pollution (Water Rules), relief from fecal coliform effluent limits and monitoring requirements in connection with the discharge from Morrison's sewage treatment plant which is covered by NPDES Permit No. IL 0027006. The pleadings do not disclose the particular provisions from which the variance is sought. Water Rule 405 sets a fecal coliform limit of 400 per 100 ml. Water Rules 501 and 910(f)(2) allow the Environmental Protection Agency (Agency) to establish monitoring and reporting requirements. No hearings were held and no public comment has been received.

Morrison has a population of 4,387. Its sewage treatment plant treats an average of .9 MGD. Existing facilities include grit removal, primary sedimentation, trickling filters and final sedimentation with separate anaerobic digestion. Morrison has not included information on the extent of the present failure to meet the 400 per 100 ml fecal coliform standard but has attached an engineer's opinion that the existing facilities could not meet the fecal coliform limit with best possible operation. The effluent is discharged into Rock Creek which is tributary to the Rock River. The petition alleges that there is no downstream use for drinking water or recreational lakes, that the existing stream conditions are not drastically affected by the discharge and that no particular environmental impact will result from the variance. The Agency does not contest this assertion.

Morrison has completed its Step 1 facility plan which was approved on June 6, 1979 by the Agency. It has a grant priority of 190 and is eligible for grant funds through Step 3. The sewage treatment plant improvements are to include disinfection facilities and a monitoring system for fecal coliform. Morrison's NPDES permit calls for submission of final plans and specification by July, 1980, completion

of construction by March, 1983 and compliance with final effluent limitations by June 1, 1983. However, the project schedule in the grant agreement calls for start-up by September, 1982. The Agency recommends grant of the variance through the later date, June 1, 1983, or until operational status is obtained.

The disinfection and monitoring equipment have an estimated cost of \$140,000. Morrison is eligible for 75% grant participation. If it were required to proceed immediately with its own funds it would not be entitled to grant participation. The Board finds that this would pose an arbitrary and unreasonable hardship.

Morrison's NPDES permit requires fecal coliform monitoring five times per week. Water Rules 501 and 910(f)(2) authorize the Agency to establish reporting requirements in permits. It is within the power of the Agency to adjust the frequency of monitoring without application to the Board for a variance. However, the Board may in a variance proceeding order less frequent monitoring where it is shown that the required monitoring is sufficiently burdensome. Although Morrison has not indicated how much the monitoring equipment or outside laboratory services would cost, the Board assumes that under the circumstances daily monitoring would alone constitute an arbitrary and unreasonable hardship. Nevertheless, the Board is reluctant to allow a discharge to go unregulated and unmonitored. Accordingly, Morrison will be required to submit samples quarterly to the Agency and provide efficient operation of the existing facilities.

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

ORDER

1. Petitioner, the City of Morrison, is granted a variance from Rules 405, 501 and 910(f)(2) of Chapter 3: Water Pollution. This variance shall terminate on June 1, 1983 or whenever operational status of its upgraded sewage treatment plant is attained, whichever occurs first.
2. Petitioner shall operate its sewage treatment plant so as to achieve the lowest practicable fecal coliform levels attainable with its existing facilities.
3. The Agency, pursuant to Rule 914 of Chapter 3: Water Pollution, shall modify NPDES Permit No. IL 0027006 consistent with the conditions set forth in this Order.

4. Morrison shall take all necessary pre-grant and post-grant actions appropriate to the specific grant steps for which it is then eligible as expeditiously as is reasonably possible.
5. During the term of this variance Morrison shall submit quarterly for fecal coliform analysis samples to the Agency as directed by the Agency.
6. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 79-144, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

Mr. Dumelle concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4th day of October, 1979 by a vote of 4-0.

Christan L. Moffett

 Christan L. Moffett, Clerk
 Illinois Pollution Control Board