

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1977

GALESBURG SANITARY DISTRICT, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 77-192  
 )  
 ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

MR. GUILBERT H. BROWN OF LUCAS, BROWN AND MCDONALD appeared on behalf of Petitioner.  
MR. PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, appeared on behalf of Respondent.

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

This matter comes before the Board upon the July 14, 1977 Petition for Variance filed by the Galesburg Sanitary District requesting relief from Rules 203(f) (ammonia nitrogen) and 404(f) of Chapter 3: Water Pollution (Chapter 3) until June 1, 1982. The Environmental Protection Agency (Agency) filed its Agency Recommendation in favor of granting the **variance** with certain conditions attached on August 16, 1977. A hearing was held on November 1, 1977.

Galesburg Sanitary District (District) owns and operates a sewer system and sewage treatment plant (STP) located in Knox County, Illinois. Effluent is discharged into Cedar Fork Creek, an intermittent stream tributary to the Henderson River. These discharges contain concentrations of BOD<sub>5</sub> and suspended solids in violation of Rule 404(f) and have caused a violation of Rule 203(f) (ammonia nitrogen) in the receiving stream. In addition, wet weather flows into existing combined sewers have resulted in the bypassing of inadequately treated sewage into the creek. The District intends to deal with these problems by way of a major construction project involving sewer separation and upgrading of its STP to achieve effluent levels of 10 mg/l BOD<sub>5</sub>, 12 mg/l suspended solids and 1.5 mg/l ammonia nitrogen. The grant of a variance would allow the District time in which to obtain Federal grants to help defray the cost of this project.

The District alleges hardship based on the fact that were they to proceed without Federal grant funds the cost of the project would be beyond their financial means. The Board has stated previously that "an arbitrary and unreasonable hardship would be placed on the District by requiring the

massive capital outlays necessary for compliance without first allowing the District to obtain assistance from existing grant programs, and particularly so when the District would be precluded from any reimbursement from State/Federal grant funds if the District were to proceed in advance of a particular grant award." Galesburg Sanitary District v. Environmental Protection Agency, PCB 76-154, 23 PCB 321 at 322.

The environmental impact of granting a variance would be the discharge of effluent containing high concentrations of BOD<sub>5</sub>, suspended solids and ammonia nitrogen which would affect dissolved oxygen levels in Cedar Fork Creek. However, since grant funds are necessary to achieve compliance through the proposed project, the Board finds that the benefits derived from the grant of a variance outweigh any harm to the environment.

The Agency suggested in its Recommendation that the Board enter an abatement order as a condition of this variance. The November 1, 1977 hearing was scheduled to allow public comment on this issue. The Galesburg Sanitary District stated at the hearing that it did not agree that an abatement order was necessary. No evidence was introduced at the hearing or anywhere else in the record which would support the entry of such an order. Consequently the Board will decline to impose this extraordinary sanction.

The Galesburg Sanitary District is hereby granted a variance from Rules 203(f) and 404(f) of Chapter 3 until June 1, 1982 subject to the condition that the District shall adhere to the project completion schedule set forth in its Petition for Variance.

This Opinion and Order constitute the findings of fact and conclusions of law of the Board.

ORDER

- 1) Galesburg Sanitary District is granted a variance from Rules 203(f) (ammonia nitrogen), 404(f) and 602(d) of Chapter 3 until June 1, 1982 provided that the following project completion schedule must be observed:
  - a. Submit Status Report to the Agency--May 1, 1978
  - b. Submit plans and specifications for Phase IV (sewer separation) to the Agency-----May 15, 1978
  - c. Arrange local financing for Phases I, III, IV, and V (STP improvements)---June 1, 1978

- d. Open Bids (Phase IV)-----July 1, 1978
- e. Step 3 Report and Advertise for Bids (Phases I, III, V)-----August 15, 1978
- f. Award Contracts (Phase IV)-----September 15, 1978
- g. Open Bids (Phases I, III, V)-----October 1, 1978
- h. Award Contracts (Phases I, III, V)-----December 31, 1978
- i. Complete all Construction-----June 1, 1982

2) Galesburg Sanitary District shall execute and forward to the Environmental Protection Agency, Enforcement Programs, 2200 Churchill Road, Springfield, Illinois 62706, and to the Pollution Control Board within 45 days after the date of the Board Order herein a Certificate of Acceptance and Agreement to be bound to all the terms and conditions of the variance. This 45 day period shall be held in abeyance during any period this matter is being appealed. The form of the Certificate shall read as follows:

CERTIFICATION


The Galesburg Sanitary District has received and understands the Order of the Illinois Pollution Control Board in PCB 77-192 and hereby accepts said order and agrees to be bound to all of the terms and conditions thereof.

By \_\_\_\_\_

\_\_\_\_\_  
Title of Position

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 20<sup>th</sup> day of December, 1977 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board