

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1981

CONVENT SEWAGE TREATMENT PLANT,)
)
) Petitioner,)
)
) v.) PCB 81-6
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

On January 21, 1981 the Convent Sewage Treatment Plant (CSTP) filed a variance petition requesting relief from Rules 402 and 404 of Chapter 3: Water Pollution, as they pertain to dissolved oxygen. Pursuant to Board order, CSTP filed an amended petition on February 10, 1981 to cure noted deficiencies. On March 12, 1981 the Illinois Environmental Protection Agency (Agency) filed a recommendation to grant the variance with certain modifications and conditions. Hearing was waived and none was held.

The Congregation of Mantellate Servants of Mary of Pistoria, owners and operators of CSTP, intend to build a new convent southwest of the City of Plainfield along R.R. 3, Drauden Road, in Will County. It is expected to house up to 25 people upon completion and ultimately will house as many as 40. A package sewage treatment plant which will discharge to the DuPage River has been designed to service the convent and is scheduled to be completed in 1981.

The proposed facility consists of a septic tank, dosing tanks, 2 intermittent sand filters, a chlorination manhole, 2100 feet of 6-inch sanitary sewer pipe and 11 standard 4-foot diameter manholes. Normal loading is anticipated to be 2500 gallons per day. The design effluent concentrations of BOD₅ and SS are 4 mg/l 50 per cent of the time and greater than 12 mg/l 10 per cent of the time.

Variance from Rule 404 is denied as unnecessary in that that rule sets a BOD₅ effluent limitation considerably above the expected concentrations from the CSTP. Further, the former requirement of a demonstration of non-violation of water quality standards pursuant to Rule 404(f)(ii) has now been deleted from Rule 404. However, in order to obtain the desired relief, a variance from Rule 203(d) of Chapter 3 is necessary, and the Board hereby considers that relief on its own motion.

The relief sought by CSTP is identical to that granted by the Board in Village of Bloomingdale v. EPA (PCB 78-124, 32PCB23, Nov. 2, 1978), and the reasoning of that case applies here. In Bloomingdale nearly 300 dischargers to the DuPage and Des Plaines Rivers were joined in a variance proceeding regarding depressed dissolved oxygen (DO) levels in those rivers. Demonstrations of non-contribution to violations of DO standards by all dischargers was held to impose an arbitrary and unreasonable hardship, especially since those standards might have been changed by a then pending regulatory proceeding (R77-12, Docket C). Despite the fact that R77-12 has now been decided and the 4/5 (BOD₅/SS) standard has now been dropped, the Agency has not argued that that decision changes the reasoning, nor has it presented any evidence concerning present water quality in the affected rivers. However, based upon that reasoning the Board finds that denial of the variance with respect to Rules 203(d) and 402 of Chapter 3 would constitute an arbitrary and unreasonable hardship. Further, based upon the effluent quality of the proposed CSTP and its minimal discharge, the Board finds that there will be little or no environmental impact.

The Board will not set effluent limitations on the CSTP because the record does not give sufficient information to do so. However, it is expected that the plant will operate in reasonable conformity with the design concentrations.

Finally, the CSTP will be located in the Plainfield Facility Planning area which is included in the Northeastern Illinois Planning Commission's 208 Plan. Under Rule 902(j)(4) of Chapter 3, CSTP must obtain a revision of that plan to include its discharge prior to Agency approval of construction or operation permits.

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

ORDER

Convent Sewage Treatment Plant is hereby granted a variance from Rules 203(d) and 402 of Chapter 3 as they pertain to dissolved oxygen until October 23, 1983 subject to the following conditions:

1. CSTP shall obtain a revision of the areawide water quality management plan consistent with this variance to include its proposed sewage treatment plant in this plan.
2. CSTP shall, at such time as the Plainfield sewer system becomes available, connect to this system and abandon its sewage treatment plant after obtaining all necessary permits.

3. Within 45 days after the Board Order, the CSTP shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance and Agreement to be bound by all conditions of this Variance. This forty-five day period shall be stayed if CSTP seeks judicial review of this Variance. The form of said Certification shall be as follows:

CERTIFICATION

I, _____, having read the Order of the Illinois Pollution Control Board in PCB 81-6, Dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner
_____, 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 was adopted on the 16th day of April, 1981 by a vote of 5-0.

Christan L. Moffett, Clerk
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Illinois Pollution Control Board