

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1979

VILLAGE OF FISHER,)
)
) Petitioner,)
)
) v.) PCB 79-170
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

Petitioner requests that its present variance from the total iron limitations of Rules 203(f) and 402 of Chapter 3: Water Pollution Rules and Regulations (Water Rules) be extended until its facility improvements affecting its water treatment plant become operational. The Agency recommends that a variance be granted. Petitioner waives its right to a hearing.

The Village of Fisher, located in Champaign County, operates a water treatment facility that removes iron from well water that serve an estimated population of 1600. On August 24, 1978, in PCB 78-162, Petitioner received, inter alia, a one-year variance from Rules 203(f) and 402 of the Board's Water Rules. The record, Opinion, and Order from that proceeding were incorporated by reference into the variance petition now before the Board. As a condition of the variance, Petitioner proposed water treatment facility improvements that were accepted by the Agency. The proposed improvements included a new water treatment plant and the installation of a slow sand filter for iron removal. The Village of Fisher is currently completing the required preapplication documents for a Federal Community Development Block Grant and expects funds to be available by late Spring of 1980. Construction, depending on weather conditions, could begin in late 1980; however, the date when completion of construction is anticipated is not stated.

Failure of one of the Village's wells has caused an immediate water supply shortage that has necessitated the postponement of the water facility construction project. Village funds for the proposed construction are presently being used for the development of a new well and improvement of the existing well. Petitioner asserts that requiring the construction of the slow sand filter at this time would impose

an unreasonable economic hardship on the Village and would delay completion of the total water treatment improvements. Petitioner, therefore, requests a variance from the iron limitations of Rules 203(f) and 402 of the Board's Water Rules until all improvements to the water treatment system are operational.

The Agency's recommendation discusses several problems with the Petitioner's variance request. The foremost consideration is that the Agency's grab samples do not indicate that the Village of Fisher is exceeding the iron limitation of the Board's Water Rules. The Agency, therefore, suggests that a variance be granted for a period sufficient to allow the Village to determine whether it is actually exceeding the total iron standard. If it is determined that the Village is not exceeding this standard, then the variance should be terminated. The Agency recommends granting a six-month extension to the variance if testing indicates that the Village is exceeding the Board's total iron standard.

The Board can find no reason that this variance should be granted. The only factual information available concerning whether or not the Village of Fisher is exceeding the iron limitation in the discharge from its sewage treatment plant indicates that it is not. Three grab samples taken by the Agency were all well below the 1.0 mg/l total iron limitation. The sewage treatment plant consists of a modified activated sludge package plant tributary to a five-day retention lagoon with a design capacity of 0.151 mgd. The five-day retention lagoon coupled with a discharge of 150,000 gallons per day supports the evidence in the record of discharges of total iron that are low. The Board finds that the Village of Fisher is not experiencing a total iron discharge problem with its sewage treatment plant inconsistent with Rules 203(f) and 402 and therefore does not grant the requested variance.

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

ORDER

It is the Order of the Pollution Control Board that the petition for variance by the Village of Fisher is hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of November, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board