

ILLINOIS POLLUTION CONTROL BOARD  
January 5, 1978

VILLAGE OF WINFIELD, a municipal corporation,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 77-207
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

This matter is before the Board on a Petition for Variance filed by the Village of Winfield (Winfield). Hearing was waived by Petitioner.

Winfield requests variance from Rules 203(a), 203(d), 203(f), 402, 404(f) and 602(b) of Chapter 3: Water Pollution Rules and Regulations (Regulations) in order to allow construction and operation of an interim treatment works expansion in accordance with the proposal presented in exhibits attached to the petition. This petition concerns the same subject matter as an enforcement matter brought by the Environmental Protection Agency (Agency) against the Village of Winfield in PCB 77-114. The Board therefore takes official notice of its December 20, 1977 decision in PCB 77-114.

Winfield, located in DuPage County, Illinois, owns and operates an activated sludge sewage treatment plant (STP) which discharges effluent into a slough tributary to the West Branch of the DuPage River. Because the plant discharges to the slough, the Agency has determined that the dilution ratio of the effluent is less than 1 to 1. Winfield on the other hand alleges that the slough is part of the DuPage River which results in a dilution ratio greater

than 5 to 1. The STP serves 4,000 residents of Winfield as well as 500 persons at Central DuPage Hospital. Winfield is presently on restricted status which has resulted in the proliferation of private disposal systems within the unincorporated areas adjacent to Winfield.

On June 14, 1973, Winfield authorized its representative to apply for Construction Grant Funds under Title II of the Federal Water Pollution Control Act (P.L. 92-500). The City of West Chicago was authorized to act as lead agency for the Facilities Planning Step I Project. A grant was subsequently awarded to the City of West Chicago, and Winfield has complied with all requests made by the lead agency including requests for documents, access to facilities and payments of local funds. It is projected that 4 to 5 years will pass before the City of West Chicago will be able to accept Winfield's wastewater for treatment.

In order to alleviate the present overload condition of the Winfield STP and to allow expansion of the wastewater system, Winfield proposes to expand the hydraulic capacity from a design flow of 0.5 million gallons per day (MGD) to 1.5 MGD and organic capacity from 5,000 population equivalent (P.E.) to 8,000 P.E. Winfield anticipates that this interim expansion and modification would be completed and on line within 180 days after a permit from the Agency is acquired. The Agency has denied a permit for the proposed facility expansion based upon the fact that the facility would not consistently produce a 10 mg/l BOD and 12 mg/l suspended solids effluent nor will it meet the ammonia nitrogen water quality standards.

In its Recommendation the Agency recommends Winfield be granted variance from Rules 203(f), 404(f) and 962(a) of the Regulations subject to the conditions that discharge not exceed 20 mg/l BOD and 25 mg/l suspended solids as a 30-day average and that construction be completed within 7 months of a Board Order granting variance. The Agency also proposes that a variance be subject to Winfield's participation in the West Chicago STP expansion and that that expansion continue to be viable. It is the Agency's opinion that the interim expansion, although not able to achieve complete compliance to the Chapter 3 standards, will apparently improve Winfield's effluent quality during the interim period. Furthermore, additional hydraulic capacity is clearly desirable in order for the Winfield operator to handle existing raw waste loads.

Winfield has repeatedly had to reject requests by owners of unsewered properties and residents for sanitary sewage service where extensions would be required. This status creates a public health problem and severe hardship upon the residents wishing to eliminate poorly functioning septic systems and replace them with sanitary sewage service. Due to delays in the expansion of the West Chicago STP to which Winfield is committed, Winfield finds itself in the position of being unable to send its waste to the West Chicago plant and at the same time unable to improve its current situation at its own STP. The Board finds that this position places an arbitrary and unreasonable hardship upon Winfield and will therefore grant the variance necessary, under certain conditions.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

1. The Village of Winfield is granted variance from Rule 203(f), 404(f), and 962(a) of Chapter 3: Water Pollution Regulations for its sanitary treatment plant until January 1, 1982 or until completion of Step 3 wastewater construction grant Program Project No. WPC-C171863 (the West Chicago Combined Sewage Treatment Facility) whichever first occurs, under the following conditions:

- a. The aforementioned project is in effect and proceeding with Winfield's participation.
- b. Winfield shall apply for the necessary construction permits within 45 days and complete construction within 7 months of the date of this Order.
- c. Winfield's discharge shall not exceed 20 mg/l of BOD and 25 mg/l of suspended solids as a 30-day average.

2. Variance from Rules 203(a), 203(d), 402, and 602(d) of the Regulations is hereby dismissed as inappropriate.

3. Within 45 days of the adoption of this Order, the Village of Winfield shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. This 45 day period shall be held in abeyance during any period this matter is being 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 77-207 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

Dr. Satchell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 5<sup>th</sup> day of January, 1978 by a vote of 4-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board