

ILLINOIS POLLUTION CONTROL BOARD
June 7, 1973

VILLAGE OF ANTIOCH)
)
) #73-125
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

The Village of Antioch seeks a variance from Rule 404(f) of the Water Pollution Regulations which limits discharges of BOD to 4 mg/l and suspended solids to 5 mg/l subsequent to December 31, 1973. The Agency believes that this implicitly includes a variance from Rule 407(b), limiting phosphorus discharge to 1 mg/l and Rules 921(d) and 1002(a) respecting project completion schedules.

Petitioner's present sewage treatment plant consists of an activated sludge plant and tertiary lagoon system. Final chlorinated effluent is discharged to Sequoit Creek, an intermittent stream having a dilution ratio of less than one to one, discharging into Lake Marie and the Fox-Chain-Of-Lakes within the Fox River basin. Agency surveillance indicates that petitioner's effluent presently complies with Rule 404(a) limiting BOD to 30 mg/l and suspended solids to 37 mg/l.

Petitioner's grab samples indicate an average flow of .736 MGD, an average BOD of 5 mg/l and an average suspended solids of 9 mg/l, suggesting a very high quality of effluent even at the present time. Agency grab samples, while somewhat higher, likewise indicate compliance with present regulations, but inability to meet the standards provided in Rules 404(f) and 407(b). In addition, fecal coliform counts are extremely low.

Petitioner has embarked on a program of upgrading its treatment facility. On December 7, 1972, the Agency issued a permit for improvement and expansion of the treatment plant. The estimated cost is \$525,000. Petitioner has \$100,000 on hand and an approved revenue bond issue of \$257,500. Because of the current status of the Lake County regionalization plan, the proposed project has not been approved for State and Federal grants. Accordingly, revised engineering plans were submitted and a revised State and Federal grant application filed. At the time of the issuance of the Agency permit, petitioner did submit an approved project completion schedule, in anticipation of State and Federal grant approval. The delays that have now arisen are attributable to the requirements of grants and regionalization and, accordingly, the project completion schedule previously filed is no longer achievable.

The Agency recommends that in consideration of the foregoing and the high quality of petitioner's present effluent, a six-month variance be granted to the Village of Antioch from Rules 404(f) and 407(b) and 921(b). While the recommendation proposes the variance be for a period of six months from the date of the Order, we believe what the Agency intended was that it be six months from the operative date of Rules 404(f) and 407(b); otherwise, the variance would have no significance. The Agency also recommends that a variance be granted with respect to Rule 1002(a) to enable the submission of a project completion schedule showing a completion date later than December 31, 1973. We concur. The hardship imposed on the petitioner by insisting on compliance with the foregoing Rules greatly outweighs any burden on the community from the grant of the variance as requested.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board:

1. That the Village of Antioch is granted a variance from Rules 404(f), 407(b) and 921(d) of the Water Pollution Regulations until June 7, 1974;
2. Variance is granted to the Village of Antioch from Rule 1002(a) to enable petitioner to file a project completion schedule showing a completion date no later than June 7, 1974.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 1st day of June, 1973, by a vote of 4 to 0.