

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1974

PUTNAM COUNTY SCHOOLS)
(Community Unit School District No. 535))
)
)
v.) PCB 73-463
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ENVIRONMENTAL PROTECTION AGENCY)
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)

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

Petition was filed on November 2, 1973 for variance from Rule 1002 of the Water Pollution Regulations in order to file a new project completion schedule. The petition states that sewage treatment plant improvements, estimated to cost up to \$45,000, were bid at \$56,323 on October 10, 1973 and this single bid was rejected by the Board of Education on October 15, 1973 because of the lack of funds available in the current budget.

The facility for which variance is requested is the John Swaney Attendance Center in McNabb, Putnam County. The School District proposes the following time schedule after rebidding the sewage treatment plant upgrading along with other school construction work in November or December, 1973.

Contracts Awarded:	January, 1974
Start Construction:	April, 1974
Complete Construction:	September, 1974
Full Operation:	September, 1974

The Environmental Protection Agency filed its recommendation for denial on November 29, 1973. No public hearing was held. The Agency states that downstream of the John Swaney Attendance Center the stream accepting the effluent (Clear Creek) "is visibly polluted downstream of Petitioner's discharge (with visible evidence of sludge and algal mats present) in violation of Rule 203(a) of Chapter 3." Rule 203(a) is the "freedoms" rule and states

...all waters of the State shall
meet the following standards:

- (a) Freedom from unnatural sludge or bottom deposits, floating debris, visible oil, odor, unnatural plant or algal growth, unnatural color or turbidity,

or matter in concentrations or combinations toxic or harmful to human, animal, plant or aquatic life of other than natural origin.

The Agency also states that the required standards are 30 mg/l BOD₅ and 37 mg/l suspended solids of Rule 404(a) and the 400/100 ml fecal coliform standard of Rule 405. No specific compliance date is given by the Agency and we must assume it to have been July 1, 1972 as given in Rule 404(a). The Agency goes on to state that the School District has qualified under Rule 404(f)(ii) and is thus required to meet 10 mg/l BOD₅ and 12 mg/l suspended solids (by December 31, 1973 presumably).

Grab sample data by the Agency is given for four dates between October 1972 and April 1973 and the Agency assertion is that these indicate a failure to meet the old 30/37 standard. We reject this contention since Rule 404(h) clearly states

Compliance with the numerical standards in this Rule 404 shall be determined on the basis of 24-hour composite samples averaged over any consecutive 30-day period...

Since "grab samples" are not "24-hour composite samples" no weight can be given the Agency statement. However, we point out that monthly reports on the effluent were lacking in BOD and suspended solids data, according to the Agency.

The Agency alleges that the school has a cracked digester tank which leaks into the aeration system thus disrupting the plant efficiency; an inoperable pump on the hypochlorinator, and the lack of a certified operator. The Agency raises the question of delay by the School District between July 2, 1973 when its permit was issued and October 10, 1973 when bids were opened. Delay, if self imposed, may be grounds for rejection of a variance (See Texaco v. EPA, PCB 73-14, October 11, 1973) Finally the Agency asks for evidence that additional funds to cover the rejected bid were not available.

The School District, on December 6, 1973 filed a Response to Report of the Agency. The District answers some of the Agency questions in stating that they did not know what tests were required in the monthly reports; that the budget reflects operating expense and does not provide for large over-expenditures; that the hypochlorinator pump has a new motor ordered and finally, that a certified operator has been hired to replace the former one who retired. The District's architect also takes the blame for the delay in soliciting contractors and issuing plans.

On December 20, 1973 the Pollution Control Board issued an order requesting additional information as to why the cracked digester tank could not be repaired immediately; the status of bids; the source of funds; and the feasibility, if any, of connecting to a nearby municipal sewage treatment plant. A reply was received January 16, 1974 stating that the digester repairs are included in the new bid package for the sewage plant; that bid specifications went out December 31, 1973 for four school building projects and the sewage plant work and that bids will be opened February 20, 1974; that any additional funds (over \$45,000) would have to come from next year's tax levy; and that the school is in a rural area 2-1/2 miles from the nearest town which is on a higher level than the school.

We are impressed by the School District's evident good faith in answering both the Agency's and Board's questions promptly and completely. Actions have been taken on the chlorinator, on the operator and on the reporting requirements. We urge the Agency to review its monthly operating reports as received from other sewage plants and to move more promptly to explain what is required when data are missing. The delay in this case is caused by the District's agent, the architect, and thus is not a defense.

We grant the variance until September 30, 1974 from Rule 1002 and from the compliance dates set forth in the Project Completion Schedule. No performance bond will be required since the District appears to be aware of the necessity for prompt compliance.

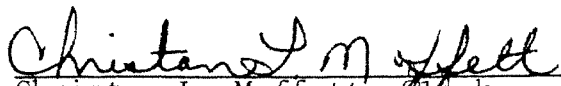
This opinion constitutes the Board's findings of facts and conclusions of law.

ORDER

1. Variance is granted until September 30, 1974 from Rule 1002 of the Water Pollution Regulations and from the compliance dates set forth in the Project Completion Schedule for the John Swaney Attendance Center.
2. The petitioner is to furnish monthly operating reports on its existing sewage treatment plant with all data to be provided as required by the Agency.

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 24th day of January, 1974 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board