

near the Mississippi River. Effluent from the Lansdowne plant discharges directly into the River through a closed pipe (R. 26); effluent from the Cahokia plant discharges into a flood plain area adjacent the River (R. 25-26).

The evidence introduced at the public hearing, held October 2, 1972, showed that the Lansdowne and Cahokia plants at present provide only primary treatment (R. 27). Plans have been and are being prepared for the construction of secondary treatment facilities, including chlorination, to be added to the existing primary plants. The new plant facilities will cost an estimated \$4,200,000 for Lansdowne and \$2,470,000 for Cahokia (R. 31-32). The projected completion dates for the new facilities are July of 1974 for Lansdowne (R. 27) and January of 1974 for Cahokia (R. 29). It is contemplated that the effluent from both facilities will meet the fecal coliform levels of Rule 405 when the new facilities have been completed and are on stream (R. 30).

Unfortunately, the January and July, 1974 completion dates are not firm (R. 54) because they must be approved by the Southwestern Illinois Metropolitan Planning Commission (SWIMPAC). SWIMPAC is in the process of holding public hearings directed to regionalizing the waste treatment facilities in Southwestern Illinois following which it will submit a plan for approval by state and federal financing agencies (R. 52). Such a plan, if implemented, will supercede the new treatment facilities presently planned by the District for its Cahokia and Lansdowne plants (R. 53). Stated otherwise, if SWIMPAC does not approve the District's present construction plans as being consistent with whatever regionalization plan emerges from the SWIMPAC hearings, then the District will be unable to obtain federal or state financing and the proposed new secondary and chlorination treatment facilities will not be built (R. 54).

The effluents from the two primary plants at the present time have fecal coliform levels far above the 400 count per 100 ml. requirement of Rule 405 which became effective July 1, 1972. In the case of Lansdowne, fecal coliform levels between 1.1 and 24 million were measured by the Agency during the period January 4 through June 27, 1972 (Exh. 1). At Cahokia the levels were found to be between 2.5 and 5.2 million over the period January 4 through July 7, 1972 (Exh. 2).

Much of the public hearing was directed to the practicality and economic reasonableness of the District's installing interim chlorination facilities to permit the Rule 405 standard to be met in advance of the projected completion dates for the new facilities. The record shows that interim chlorination facilities can be installed at each of the Lansdowne and Cahokia plants at a capital cost of \$21,000 (R. 8, 11). Operating costs are expected to be \$12,000 per year at Lansdowne (R. 9)

and \$3,700 per year at Cahokia (R. 11). There would be no salvage value for either plant insofar as later use of the temporary equipment in the permanent facilities is concerned (R. 35). Such interim facilities if installed will permit the Rule 405 fecal coliform standard to be met (R. 9, 36). They can be installed by January of 1973 (R. 64).

Petitioner argues that it would be unreasonable to require it to spend these amounts because only limited funds are available and for the reason that continued discharge of the Lansdowne and Cahokia effluents (4 and 1.6 million gallons per day, respectively) will have no measurable adverse effect upon the Mississippi River which has a flow of 1,000 million gallons per day. No data was presented on this latter point (R. 39). Petitioner also points out that the nearby City of St. Louis presently discharges over 200 million gallons per day of unchlorinated municipal wastes into the River (R. 39), and Petitioner mentions the fact that there are regulatory proceedings presently pending before this Board, upon which public hearings have not been completed as yet, involving an amendment proposed by the Agency which would, if adopted, extend the Rule 405 compliance date for discharges to the Mississippi River from July 1, 1972 to December 31, 1973.

We believe both variance petitions must be denied. Firstly, the construction of the permanent facilities, being dependent upon what SWIMPAC does, is so indefinite both as to whether they will be built at all and as to completion times, that there is no assurance in this record that Rule 405 will ever be met. Second, the cost of interim chlorination facilities is so low that we do not believe it will impose any substantial hardship on the District or its users. The \$42,000 combined capital costs of interim chlorination amounts to less than one percent of the total capital expenditure of \$6,670,000 for the proposed permanent facilities. If the cost of interim chlorination were distributed to the users of the facilities it would amount to only about two cents per month per user in the Lansdowne area (R. 51), and a comparable small amount for Cahokia. Thirdly, petitioner has not proven on this record that there will be no harmful effect on the Mississippi River of continued discharges of high fecal coliform count effluents into the River. While the record shows that there is no substantial recreational use of the Mississippi River at the point of entry of effluents from the Lansdowne and Cahokia plants (R. 84), the record suggests at least with respect to Cahokia that health dangers may well exist from effluent back-up into the flood plain (R. 84-85). The fact that the City of St. Louis may be on a different time schedule for cleaning up its effluent discharges to the Mississippi River than the State of Illinois is not, in our view, justification for holding in abeyance the operation of our own standards.

As for the District's contention that the Board may amend Rule 405 to extend the compliance date to December 31, 1973, we point out that until the present public hearings in these regulatory proceedings have been completed, and the Board has had a chance to review the record, there will be no Board decision. Needless to say, it is impossible to predict what the Board's decision will be. Moreover, the projected earliest completion dates advanced by Petitioner for its permanent facilities, January and July of 1974, both extend beyond the December 31, 1973 date, so that in any event it would still be necessary later to provide interim chlorination, or to make a showing of hardship in doing so, for the period after December 31, 1973.

Insofar as the District's contention that funds are not available for interim chlorination is concerned, we find the record evidence inadequate to support our drawing any such conclusion. There is testimony that there are reserves or excess funds of \$5,000 to \$8,000 per year (R. 78). Also, in response to a request made during the public hearing (R. 65), the District forwarded a letter to the Hearing Officer and Board dated October 4, 1972 which lists \$389.97 and \$3,587.33, respectively, as balances in the Cahokia and Lansdowne operation and maintenance funds. No other evidence has been presented as to the financial condition of the District and its sources of funds, and we cannot, based on this incomplete information, find that there are inadequate funds available to pay for interim chlorination.

Both petitions are denied. This opinion constitutes the findings of fact and conclusions of law of the Board.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 8th day of November, 1972, by a vote of 5 to 0.

