

ILLINOIS POLLUTION CONTROL BOARD

August 1, 1974

CITY OF ST. CHARLES  
PETITIONER

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v.

PCB 74-176

ENVIRONMENTAL PROTECTION AGENCY  
RESPONDENT

)

MR. ALVIN L. CATELLA, ATTORNEY, in behalf of the CITY OF ST. CHARLES  
MR. JOHN T. BERNBOM, ATTORNEY, in behalf of the ENVIRONMENTAL PRO-  
TECTION AGENCY

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on Petition of the City of St. Charles, to extend a variance granted by the Board from Rule 404 (b) of Chapter 3 of the Board's Rules and Regulations in PCB 73-247 for its waste water treatment plant, until January 30, 1975.

On May 16, by a vote of 5-0, the Board ordered the city to file more information as to whether Swift & Co., a party to the previous action, was also a party in the matter, and also requested the city to indicate whether the record in the previous action was to be incorporated into this proceeding.

On June 5, 1974, the city filed a letter stating that 1) the record of PCB 73-247 should be incorporated into the record of the case, and 2) Swift & Co. is not a party to this proceeding.

PCB 73-247 involved the city's sewage treatment plant, which for the period from January 21, 1972, through March 31, 1973, had an average of 21 mg/l BOD and 73 mg/l suspended solids. Rule 404 (b) sets limits in effluent at 20 mg/l BOD and 25 mg/l suspended solids.

The previous case arose when Swift and Co. was denied an operating permit for their new dry sausage plant in St. Charles because the sewage treatment plant was near its design capacity.

At the time of the previous matter the city had embarked on a project to upgrade the plant and increase its capacity from 4.0 mgd to 8.0 mgd. The project was to be completed by April 1, 1975, and it was stated that the "critical final new tanks will be done by August 15, 1974." (PCB 73-247, P. 2, 9 PCB Opinions 344 [1973]).

The variance granted allowed the city to discharge 25 mg/l BOD and 37 mg/l suspended solids. The final Order also required the final

tanks to be installed on or before August 15, 1974. Polymers and activated carbon were to be added to the clarifying tanks and aeration tanks respectively so as to maintain the ordered BOD-suspended solids levels.

The Petition alleges that at the time of filing Stage I of the project was completed and operational. Stage II was progressing or ahead of schedule through April 30, 1974.

The reason for the requested variance is because the final clarifier equipment cannot be delivered on time, because of supply problems the vendor is having (Exhibit #4 to the Petition). This equipment is promised for delivery by January, 1975.

The Agency states that from current operational data reported by the city, the BOD and suspended solids concentration in the final effluent have been within 25/37 mg/l limits.

<u>Date</u>	<u>BOD</u>	<u>Suspended Solids</u>
Jan. 1974	4	44
Feb. 1974	5	24
March 1974	5	39
April 1974	20	22
May 1974	17	26

Results of Agency grab samples are as follows:

<u>Date</u>	<u>BOD</u>	<u>Suspended Solids</u>
Jan. 16, 1974	5	24
Feb. 20, 1974	6	14
March 6, 1974	15	43
April 10, 1974	9	11
May 6, 1974	4	16
June 11, 1974	7	23

The Agency states that Petitioner has followed the conditions as set out in the Board's Order and that Petitioner has used good faith in its attempted compliance. The Agency agrees that the delay in the equipment delivery, along with a delay caused by a strike affecting cement deliveries, were beyond the control of Petitioner.

The Board feels that it serves no valid purpose to deny an extension to a variance, and therefore subject Petitioner to possible enforcement action, when Petitioner has exercised good faith and pursued compliance with all deliberate speed. In the previous matter, the Agency stated that continued discharge at the rates ordered would not have an adverse environmental impact.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that variance from Rule 404 (b) is granted until January 30, 1975, for the waste water treatment plant operated by the City of St. Charles, subject to the following conditions:

1. Petitioner shall not cause or allow concentrations in its effluent greater than 25 mg/l BOD and 37 mg/l suspended solids.
2. Construction shall be completed and final tanks of Phase II shall be operating by January 30, 1975.
3. Polymers shall continue to be added to the clarifying tanks and/or activated carbon to the aeration tanks as considered necessary to meet the limits outlined in (1) above.
4. Petitioner shall arrange to have the bond posted in compliance with the Order in PCB 73-247 extended to cover installation of equipment as required by this Order within 30 days of entry of this Order.
5. Petitioner shall notify the Agency of completion of the final clarifier tanks within 5 days of completion.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 15<sup>th</sup> day of August, 1974, by a vote of 5 to 0.

*Christian L. Moffett*