

The District's effluent is currently regulated by Rule 404(b) of the Water Regulations which requires a discharge within the effluent standards of 20 mg/l BOD and 25 mg/l of total suspended solids. The District established that it cannot consistently, on a monthly basis, currently meet this requirement (R. 40, District Exhibits 1-2 through 8). On December 31, 1974 the District's effluent must comply with the effluent limitation found in Rule 404(f) which requires compliance with 10 mg/l BOD and 12 mg/l of total suspended solids. On December 7, 1972 the Agency approved the District's request for a Pfeffer exemption from the 4 mg/l of BOD₅ and 5 mg/l of total suspended solids effluent limitation. Dr. James W. Irvin, Ryckman, Edgerley, Tomlinson & Associates, testified that the District will not comply with Rule 404(f) on December 31, 1974 (R. 40).

The District has begun a program to design and construct an advanced waste treatment system which will meet the effluent requirements of Rule 404(f) as well as other applicable standards (R. 39). The total cost of the District's compliance program is \$19,505,368 (R. 22). The District states that because of the 5% limitation on bonding authority contained in the Sanitary District Act of 1917, that it has a \$6,425,000 limit on bonding funds (District's Brief page 18). The District has \$3,660,000 in outstanding bonds which leaves \$2,765,000 of available general obligation bonding money (District's Brief page 18). The District will have available approximately \$15 million in federal-state grants to cover capital costs if the District can raise the approximate \$5 million share (R. 24).

Dr. Irvin, the District consulting engineer, testified that the District's effluent should not have any adverse effect on water quality in the Vermillion River due to flows in the River. The Agency agrees that the continued discharge from Petitioner's plant at present levels of BOD and suspended solids should not have significant adverse effect on the River (Agency Recommendation page 11). The Agency further stated that the Vermillion River is not aesthetically impaired by Petitioner's plant effluent (Agency Recommendation Page 8). Because no adverse effect was shown, the Board finds that the District's compliance schedule is reasonable. To require immediate compliance with Rule 404(b) and compliance with Rule 404(f) on December 31, 1974 would be impossible. The District has taken steps to eliminate past problems such as excessive fluoride and suspended solids in its effluents caused by high-strength industrial carbohydrate waste (R. 20 & 27). Because of the District's past actions in solving water pollution problems and the reasonableness of its project compliance schedule, the Board grants the District a variance.

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


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ORDER

The Pollution Control Board hereby grants the Danville Sanitary District a variance from Rules 404(b), 404(c), 404(f) 602(d)(1) and that part of Rule 1002 of the Water Regulations which requires submission of a Project Completion Schedule showing compliance by the applicable deadline dates until April 1, 1975, subject to the following conditions:

1. The Danville Sanitary District shall abate its discharge of inadequately treated sewage in accordance with a Project Completion Schedule containing the following schedule:
 - (a) Completion of preliminary plans and sewer system evaluation by August, 1974;
 - (b) Completion of final plans and specifications by September, 1974;
 - (c) Initiation of construction by March, 1975;
 - (d) Completion of construction by April, 1977;
2. Petitioner shall within 120 days of the date of the Board's Order in this matter submit a Project Completion Schedule showing compliance by the dates proposed in its Petition for Variance.
3. Petitioner shall conduct further experimentation with the sludge bulking problem in order to prevent its re-occurrence and to maintain effluent concentrations of ammonia as low as possible.
4. Petitioner shall submit bi-monthly progress reports documenting efforts toward compliance with the above conditions to the Agency and the Board.

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 4th day of April, 1974 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board